

**TODAY**  
LAST CHANCE TO WIN FREE FLIGHTS  
DETAILS AND TOKEN PAGE 37

**THE TIMES GREAT SUMMER OF SPORT**  
**THE MAJOR CHALLENGE**  
On course with Nick Faldo at the PGA  
PAGE 38

**SHORT FUSE**  
Anthony Howard on the testing of Blair, PAGE 15

**THE PAIR BEHIND A SMILE**  
Josephine Russell, survivor of a nightmare  
PAGE 7

**TOMORROW**  
TAKE 200 FRIENDS TO THE CINEMA  
FREE

## One dead, 100 injured, in rail crash

By JONATHAN PRYNN  
TRANSPORT CORRESPONDENT  
AND ADAM FRESCO

A WOMAN was killed and up to 100 people were injured last night, 27 seriously, when a packed commuter train ploughed into an empty train near Watford Junction in Hertfordshire. Emergency services cut free 40 people from the wreckage.

The crash was the worst since the privatisation of British Rail began two years ago. More than 400 were on the commuter train.

Seven passengers freed from the wreckage had life threatening injuries, said a spokeswoman for the Hertfordshire and Bedfordshire ambulance service. The main

line from Euston to Birmingham, Manchester and Glasgow was still blocked late last night.

The collision at 5.28pm at Radlett Road near Watford sent both trains careering into the air and ripped down overhead electrified cables. Passengers were seen by eyewitnesses emerging "bloodied and dazed" from the wreckage.

Watford General Hospital said it received about 40 "walking wounded" and expected "in the region of 70 major and minor incident casualties." "Those we are coping with at the moment are mainly head and arm cuts and bruises," a spokesman said. The two trains were the four-coach 5.04pm London Euston



The accident scene after the 5.04 from Euston to Milton Keynes and an empty train collided south of Watford

to Milton Keynes service and an empty stock train travelling from Blechley to Euston. Eyewitnesses said they heard a loud bang as the trains collided and then saw a flash as the

overhead cables came down. Gerry Lowe, who lives near the line, said: "All of a sudden there was noise and trains, and a huge crash. I thought one of the carriages was

coming my way into the garden, but it stopped in a precarious sort of position on its side. I wandered down and saw two or three people leaving the carriage bloodied and

in a dazed condition wandering off."

About 20 to 30 walking wounded were escorted from the scene by ambulance personnel. Others were carried

away on stretchers to a fleet of waiting ambulances. Many suffered superficial cuts and bruises although some were holding their heads. One held his hand to his eye.

Roger Tabor, who witnessed the crash, said: "There was the sound of a train coming along, then there was a siren sound to clear things, and then there was the most awful impact."

Mary Hefferman, 52, said: "There was the most almighty crash and there were sparks and smoke and wires everywhere."

The accident will renew concern about safety on the railways after privatisation, following a series of leaks about narrowly avoided disasters in recent weeks. North

London Railways, the rail company operating the service, said the two drivers and two guards from the trains had been taken to hospital. "We think the accident happened a few hundred yards out of the station so the passenger train would have been slowing down," said a spokesman.

A Health and Safety Executive spokesman said two inspectors from Her Majesty's Railway Inspectorate had been sent to the scene.

Last night's accident is only a few miles along the line from the scene of Britain's worst post-war rail crash, at Harrow and Wealdstone just north of London on October 8, 1952, when 112 people were killed and 340 hurt.

## Hundred die as flash flood swamps camp

By TUNKU VARADARAJAN IN HUESCA, EDWARD OWEN IN MADRID  
AND OUR FOREIGN STAFF

AT LEAST a hundred holiday-makers were feared dead last night after a river burst its banks in torrential rain, hurling an avalanche of water, mud and rock over a crowded campsite in the Spanish Pyrenees.

Another 200 were injured, many seriously, when the flash flood swept away the popular Las Nieves site near Biescas on Wednesday. They included a British couple who were admitted to hospital in Huesca, 50 miles away.

By last night 72 bodies had been recovered - some of them from ten miles downstream - and another 30 were unaccounted for. Most of the victims were Spanish, although holidaymakers from France, Germany and Belgium were also killed. The dozen or so Britons who had been staying at the site were believed to be safe.

Disaster struck at about 7pm on Wednesday when the fast-running river Gallego, swollen by two hours of rain and hail, surged over the site, sweeping away campers, cars, caravans, tents and bicycles. The camping ground might have survived had the path of the torrent not been blocked



by an ad hoc dam created by rocks and uprooted trees which amassed by a road bridge just above the site. That allowed a massive build-up of water and when the bridge gave way, a 6ft wall of water swept into the campsite from 30 yards away.

There was no time for a warning, but many campers in tents had already driven into nearby villages because of the downpour.

Barry and Andrée Copestake of Grimsby were fleeing the site in their car when they were swamped by the tidal wave of water, mud, rocks and trees. "We got about ten yards and it just ripped through the site," Mr Copestake said. "It was bouncing over the bonnet

of the car. It turned over and everything went black. We couldn't see. We were travelling upside down in the water for several hundred yards and we came to rest upside down against a caravan that was stuck by some trees."

Mr Copestake managed to get out of the car, but his wife was trapped for some time. Last night both were recovering in hospital.

"It was terrible, terrible," Luis Bardaji, the campsite owner said. "The unthinkable happened and in ten minutes the camp was gone."

The award-winning Camping Las Nieves, with its cool mountain air and spectacular views, was the most popular site in the area. But yesterday all that remained was a giant scar with mangled trees, cars and boulders strewn everywhere. About 500 rescue workers - soldiers, firemen, civil guardsmen and local villagers - searched ceaselessly for signs of life or death helped by army earthmoving equipment and helicopters.

As the regional government of Aragon declared three days of mourning, King Carlos and Queen Sofia broke off from their holiday in Majorca to



Bicycles and a car lie abandoned in the muddy wreckage of Las Nieves campsite after the deluge that killed and injured hundreds

visit the disaster area and those in hospital. Jose Maria Aznar, the Prime Minister, also toured the devastated camp in his shirt sleeves, and declared it "a ghastly sight".

In neighbouring Biescas, almost every family took in lodgers from among the rescuers and homeless tourists. The tragedy has numbed the area, which lives off tourism, and many fear that the district will be tarnished forever as too dangerous to visit.

Distraught survivors were

counselled by scores of psychiatrists flown in by the regional government - one psychiatrist told of a man who lost his four children; another woman was rendered speechless by the death of her son. "My hair stands on end when I remember the scene after the water had subsided," one medical officer said. "What I saw was straight out of Dante. Bodies floating coated in mud, shredded tents, trees uprooted, smashed cars. But what can defenceless people do when

faced with the violence of nature and a river gone mad?"

As police searched downstream for more bodies, another rescuer said that the tragedy could have been still greater. "The campsite was full and had nearly 700 people registered as staying there. Had the flood hit at one in the morning, with everyone asleep in their tents and caravans, we would still be counting the dead."

Battle for survival, page 3

### Ulster protest over march

Sectional tension mounted in Londonderry after republicans confirmed that they would demonstrate in the Roman Catholic Bogside area during a loyalist parade tomorrow afternoon. The Bogside Residents' Group called on supporters to meet at the Free Derry Corner. Page 2

## Peace breaks out as Blair and Short make a deal

By PHILIP WEBSTER, POLITICAL EDITOR

TONY BLAIR and Clare Short sealed an uneasy truce yesterday as the Labour leadership struggled to contain the fallout from her blistering attack on his style of running the party and the "dark forces" surrounding him.

In a largely successful short-term damage limitation operation Mr Blair, from Tuscany where he is on holiday, and Ms Short co-ordinated statements in which they agreed that there were no policy divisions between them.

The formula was designed to allow Mr Blair to close the matter without having to dismiss Ms Short from her post as overseas development spokesman, an act that would have prolonged the turmoil without silencing her. She might also have become a rallying point for dissent at the autumn party conference. But by agreeing Ms Short to

stay on in the face of what appeared to be an outright challenge to his authority, Mr Blair inevitably provoked charges of weak leadership from the Conservatives. There



was also a risk that it would undermine the efforts of Donald Dewar, the chief whip, to crack down on dissident MPs.

Last night it was clear that the immediate storm over her onslaught had subsided; there were also strong signs that Ms Short had forfeited goodwill among MPs who would normally be counted as her supporters.

Mr Blair was given better holiday news in the latest opinion poll published today. The Gallup survey in The Daily Telegraph showed Labour substantially increasing its lead over the Tories. The poll put Labour on 59 per cent, up 4.5 points, the Conservatives on 25 per cent, down 1 point, and the Liberal Democrats on 11 per cent, down 3.5.

Prescott impact, page 4  
Anthony Howard, page 16  
Leading article, page 17

## Lover charged with Ossie Clark murder

By STEPHEN FARRELL

THE boyfriend of Ossie Clark, the flamboyant Sixties fashion designer, was last night charged with his murder.

Clark, 54, was found stabbed to death in his one-bedroom council flat in west London. Diego Cogoloto, 28, will appear at Marylebone Magistrates' Court today. Police were called to the flat in Notting Hill at 7am on Wednesday after a man made a 999 call from a telephone box.

Pop musicians, film stars and other designers yesterday paid tribute to Clark, who designed stage outfits for Mick Jagger and clothes for Elizabeth Taylor and Marie Helvin, and was one of the most talented designers of his era. He lacked business sense, however, and was declared bankrupt in 1983.

Zandra Rhodes, who also made her name in the 1960s, said: "It's very sad what's happened because Ossie made

a massive contribution to the British fashion industry. His work represents the first flowering of British fashion and would have been even more of a success worldwide if he had been working in Paris."

Clark was separated from his wife, Celia Birtwell, the fashion material designer. The couple have two sons, Albert, 26, a chef, and George, 24, a trainee interior designer.

Speaking at the interior design shop she owns in Ladbroke Grove, Miss Birtwell said yesterday that the pressures of fame had grown too much for Clark: "I have two wonderful sons from Ossie and we are in shock and grief. He was a unique designer. The years from 1966 to 1974 were the marvellous times. It's a pity it didn't go on. I think he got broken by it all."

Faded glamour, page 5  
Obituary, page 19

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TV & RADIO	38, 39
WEATHER	20
CROSSWORDS	20, 40

LETTERS	17
OBITUARIES	19
BERNARD LEVIN	16

ARTS	29-31
CHESS & BRIDGE	34
COURT & SOCIAL	18

SPORT	33-38, 40
EDUCATION	32
LAW REPORT	28



# Hospital says paper knew abortion had happened



Douglas denies knowing operation had taken place

By CAROL MIDDLETON

THE hospital at the centre of the selective abortion dispute claimed yesterday that the newspaper which broke the story knew the operation had already taken place.

A spokesman for Queen Charlotte's Hospital, London, said it had made clear to the *Sunday Express* that the abortion of the single, healthy twin had been done, but said that the newspaper referred to the operation as if it had yet to be carried out.

Professor Philip Bennett, the obstetrician who performed the operation, was faxed a copy of the article before publication and says that he changed it to the past tense and faxed it back. But when a second copy was sent to him, the abortion was still mentioned as if it

were still to happen. The story caused a furore in which £60,000 was pledged by anti-abortion campaigners to help the 28-year-old single mother who said that she could not cope with two more children. The hospital admitted that the abortion had been carried out only after the Society for the Protection of the Unborn Child was granted a High Court injunction stopping it from taking place.

Yesterday the hospital said: "It is true that Caroline Phillips [the reporter] was told that the operation had been done. We are not accusing the *Sunday Express* or Caroline Phillips of lying, but we do think there has been a misunderstanding here."

"Professor Bennett was certain in his own mind that Miss Phillips understood it had already hap-

pened, but if she is now saying that she didn't understand then that is possible and we have to accept that. Professor Bennett says he was told by the paper that the present tense was used in the copy as a journalistic device because it was a feature rather than a news report. He did clear the copy as accurate and he does not deny that."

Sue Douglas, Editor of the *Sunday Express*, denied the hospital's version of events and said that at no time had she been told that the operation had already taken place. "The story came out on Sunday. On Monday the hospital was making no comment but Philip Bennett confirmed the accuracy of the story," she said. "That was chance No 1 to put the record straight if he felt it was wrong."

"On Tuesday, when the injunc-

tion was granted, the hospital said that the operation had taken place. Why not say this on Sunday or Monday? Now, on Thursday, the hospital is saying we knew, which we did not."

She admitted that changes had been made to the copy to protect the woman's identity, but denied that Professor Bennett's words had been changed from the past to the present tense. "When we did the interview Philip Bennett was talking in the present tense. Then when we played back the tape there was some doubt whether the case was still being considered or whether it had already happened. This was when we went back to him and, when he approved the copy, we were confident it had not already taken place."

Miss Phillips said that at no time

did she know that the abortion had happened. "One copy of the article was faxed back to me from Philip Bennett. With his agreement, minor changes were made relating to the woman's age, and that was it. I can say with 100 per cent certainty that no fax was sent changing the tense of the article."

Stephen Dorrell, the Health Secretary, expressed "deep concern" yesterday about the case. He told BBC Radio 4's *PM* programme: "As a human being I share the very deep sense of concern about the way in which this decision has emerged. But as a minister I have to respect the fact that the question of the law on abortion has been repeatedly debated and... so far as I am aware, nobody has suggested anybody in this case has acted outside the law."



Bennett says he changed report into past tense

## Labour wants big donations to be declared

By PHILIP WEBSTER, POLITICAL EDITOR

POLITICAL parties would have to declare the source of all donations of more than £5,000 under legislation promulgated by Labour yesterday.

Robin Cook, the Shadow Foreign Secretary, announced that, if elected, Labour would prevent parties accepting donations from foreign sources, require companies to hold ballots of shareholders before making political donations, and give shareholders the right to opt out of their share of a political fund.

Mr Cook also announced that, from this autumn, Labour would declare the sources of all its donations over £5,000, and challenged the Conservatives to do the same.

He said the summer weather had "brought out the stench of political scandal from the coffers of the Tory party. We have learnt that by slipping the Tory party a hundred grand, a businessman can get an intimate dinner with the Prime Minister. We have discovered that some of the companies who stand to make most out of the sale of Britain's railways are the very companies who give most to the Tory party."

"There is a mystery wrapped around the finances of the Tory party. Three years ago,

the party was bankrupt with an overdraft of £19 million. Today that party boasts a £20 million surplus to buy back its way to power with saturation advertising. The public is entitled to know who is bankrolling the campaign."

He challenged the Tories to give one reason that they should be allowed to hide their backers in the accounts. Mr Cook also confirmed that a Labour government would ask the Nolan committee to examine the idea of state-funding of political parties, and would be willing to legislate if Nolan backed the idea.

A group of Scottish Labour MPs yesterday called for the party to have a referendum asking if there should be a Scottish parliament and whether it should have tax-varying powers to be dropped in favour of one question on the issue. The campaign, launched in Edinburgh by Maria Fyfe, MP for Maryhill, and William McKelvey, MP for Kilmarnock and Loudoun, has the support of five other MPs, seven of Scotland's 72 constituency Labour parties, and the Scottish TUC. Mr McKelvey said a Scottish parliament that could not raise taxes would have less power than the smallest local authority.



A shop assistant wheels in fresh supplies of Newcastle shirts before the match

## Shearer's fans call the toon in Lincoln

By RUSSELL JENKINS

THREE thousand lucky members of the Toon Army, Newcastle United's band of travelling supporters, will pack into lowly Lincoln City's ground tonight to watch the world's most expensive footballer make his debut for their team against the Third Division side in a pre-season friendly.

The presence of Alan Shearer, who cost £15 million, has transformed the fixture from a run-out for United's reserve team hopefuls into a sell-out for which tickets are changing hands at many times face value.

The city is bracing itself for an invasion of Georgies without tickets for the match at the 10,800-capacity ground. About 15,000 fans turned up at St James's Park earlier this week for the first glimpse of Shearer in his No 9 black and white shirt. Many will be on a round trip south that will take in the Charity Shield match against Manchester United at Wembley on Sunday.

The Lincoln goalkeeper, Barry Richardson, is reflecting wryly on football's mixed fortunes. He used to play alongside Shearer for Cramlington Boys under-15s. While Shearer earns £2 million a year, Richardson struggles to afford his goalkeeping gloves.

## Guards attacked in security van raid

Two Securicor guards have been doused in petrol and threatened at gunpoint in a hold-up. An undisclosed but substantial amount of money was stolen. The guards had stopped their van on a single-track road near Dairy, Ayrshire, to help a woman motorist who had crashed into them. As one left the van he was confronted by four masked gunmen. They threw petrol into his face and threatened his colleague before escaping in another car. The woman went with them. Securicor has offered a £50,000 reward for information leading to the gang's arrest.

## Licensed to be different

Mark Cooper, 22, of Birtton, Buckinghamshire, has been given an absolute discharge by Aylesbury magistrates for sporting Italian licence plates on his car. There is currently no law against unusual designs for registration numbers as long as they are the correct height, width and distances apart. A standard font for the letters and numbers is to be introduced later this year.

## Baton death verdict

A jury returned a verdict of misadventure on Brian Douglas, 33, the boxing promoter who died in police custody after being struck by an American-style baton. Sir Montague Levine, the Southwark Coroner, recommended that all police officers should be taught the dangers of a baton blow to the head. Mr Douglas's brother Donald said the family would consider seeking a judicial review.

## Mixed-sex jail studied

Plans to hold women prisoners in the grounds of a men's jail are being studied by the Prison Service as a way of coping with the record number of female offenders being imprisoned. Up to 200 women could be housed at the High Point low-security prison near Newmarket, Suffolk. The number of women in jail has risen by 68 per cent in the past four years to a record 2,355.

## Pig death charges

Five men have been charged with the murder of Ronald Smith, 49, who died after a gang allegedly threatened his pot-bellied pigs. Dean Fox, 23, Wayne Graham, 20, Adam Power, 20, and Simon Caveney, 21, all of Frankley, and Anthony Wilson, 21, of Northfield, appeared before Birmingham Magistrates Court yesterday and were remanded in custody until next Thursday.

## Footballer's road ban

Ally McCoist, the Glasgow Rangers and Scotland striker, was banned for 15 months and fined £2,500 at Glasgow Sheriff Court after admitting driving with more than twice the legal limit of alcohol. McCoist, 33, who has an MBE for services to football, was stopped early on Sunday after celebrating scoring the first goal in Rangers' 3-0 victory over Arsenal on Saturday.

## Cyclists get there sooner

Cyclists are beating car drivers to work, at least in London, where door-to-door commuting times are half as long again by car than by bicycle, the Department of Transport says. The average journey to work was 28 minutes by car compared with 19 minutes by bicycle. The number of people who cycled to work rose last year by 5 per cent from 781,000 to 823,000, according to the figures. Leading article, page 17

## Prehistoric squid found

Perfectly preserved fossils of 165 million-year-old squid have been found in a 30ft gravel pit at Ashton Keynes, near Cirencester, Gloucestershire. Scientists examining the find hope that they might be able to extract DNA from some of the fossils. Even the soft tissues have been preserved, their ink sacs still three-dimensional, with the ink mineralised as calcium phosphate.

## Suicide lesson victory

A Catholic teacher sacked for explaining suicide to her class has won her claim of unfair dismissal. Governors at St Peter's Junior School in Churchdown, Gloucester, sacked Jean Gibbins, 44, for gross misconduct after parents complained. An industrial tribunal in Bristol ruled yesterday that she had acted reasonably in answering pupils' questions. Compensation will be decided later.

## Nationalists say march will go on

By NICHOLAS WATT, CHIEF IRELAND CORRESPONDENT

SECTARIAN tension mounted in Londonderry last night after republicans confirmed that they would demonstrate in the Roman Catholic Bogside area during a loyalist parade tomorrow afternoon.

In defiance of the city's Roman Catholic bishop, the Most Rev Seamus Hegarty, who had urged nationalists not to march, the Bogside Residents' Group called on supporters to congregate at the Free Derry Corner.

Donna Mac Niallais, the group's spokeswoman, said that nationalists would also hold a rally tonight in the city centre about 100 yards from the Apprentice Boys Memorial Hall, where hundreds of loyalists will gather for an annual dinner.

Armed police and soldiers will mount a big security operation outside the hall, where the Apprentice Boys will hear angry speeches about the Government's decision to ban them from marching along a section of the city walls overlooking Bogside.

Leaders of the Apprentice Boys yesterday told Sir Patrick Mayhew, the Northern Ireland Secretary, that he had acted unreasonably. During a tense meeting at Stormont, the loyalists said that they had

gone to great lengths to reach agreement with nationalists.

Gregory Campbell, a Democratic Unionist councillor in Londonderry and an Apprentice Boy, claimed that Sir Patrick had conceded that the ban was unjust. "He tried to justify it by saying that it was taken on purely pragmatic grounds. In other words, there was a great threat of public disorder and he had to act."

Mr Campbell accused Sinn Féin of trying to provoke trouble in Londonderry. A senior RUC source said that Sinn Féin and the IRA were exerting "significant influence" over the residents' group. "There is little doubt that there is paramilitary influence over the residents' group. They are trying to milk the situation for all it is worth because they are still in the position where they have the high ground after Drumcree."

Sir Hugh Annesley, Chief Constable of the RUC, said yesterday that further IRA attacks on Britain were a "distinct possibility". He added that intelligence reports indicated that the IRA had no plans to resume its campaign in Northern Ireland in the immediate future.

Leading article, page 17

## Vicar turns to drink to save churches

By RUTH GLEDHILL, RELIGION CORRESPONDENT

A COUNTRY rector is the toast of his parishes after turning to drink to keep three churches alive. The Rev Godfrey Broster, rector of Plumpton, East Chillington and Nowington in East Sussex, started his own brewery after deciding that something stronger than coffee mornings was needed to boost funds.

Rector Ales was founded four months ago and has been backed by local shareholders. It is doing so well that he expects to have enough cash by the end of the year to fund £18,000 work on the churches - including raw materials and overheads - with £2,000

left over for the future. Mr Broster cited historical precedence for his venture: "I have three churches, and I need to maintain the bricks and mortar."

"There has been a long association of churches brewing beer. St Andrew's in Lewes brewed a beer to mark the accession of Mary I. I brew at a local farm. I pop in on my rounds to see how it's doing. I brew on my day off and cast later that week."

He is brewing five 36-gallon barrels a month. His special brews, Rector's Pleasure, a bitter, Rector's Revenge, a strong beer at 5.4 per cent proof, and Parson's Porter, a dark beer, sell to local individuals and public houses.



Broster with his brew: popular all round

At the recent Lewes beer festival, Mr Broster's brews proved so popular that Rector Ales has now been approached by pubs outside the area.

Plumpton agricultural college is now planning to grow a field of barley for his brewery next year. Howard Wood, a former church warden, said: "Brewing beer was one of Mr Broster's hobbies. He brewed for people within the village locally. People said he should do it on a larger scale and he decided it would be a good idea. All the people I have spoken to think it's a wonderful thing. I would have liked to buy shares but they sold too quickly."

David Pitman, landlord of the Watermill public house in Burgess Hill, said: "It sells well and it is popular. It is a traditional ale and a damn good product. It is the nearest thing to God."

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# Briton tells of battle for survival in torrent



Barry and Andrée Copestake in hospital in Huesca yesterday, after flash floods hit the campsite where they were staying. He said: "We've lost everything... but we're alive"

FROM EDWARD OWEN  
IN MADRID

BARRY COPESTAKE, 49, a teacher at Whitgift Comprehensive School in Grimsby, told yesterday from his hospital bed how he and his wife, Andrée, 47, had a miraculous escape at the Virgen de las Nieves campsite, near Biescas, in the Spanish Pyrenees.

They were the only Britons who needed hospital treatment after the disaster. On Wednesday evening, they were among those caught by the wave of water, mud, trees, vehicles and debris as it smashed through the site where many people were holidaying.

The flash flood had engulfed their car as they tried to escape. The waters rolled it over and carried it with them trapped inside, in the pitch dark, hundreds of yards before it became jammed against a caravan.

Mr Copestake managed to get out but Mrs Copestake, a

teachers' assistant at Allerton School, Immingham, was trapped. He battled against the raging waters and tried desperately to free her without success. But by a stroke of luck her head was in an air pocket.

Only the subsidence of the water level before help arrived saved her life. Yesterday, they were recovering together in neighbouring beds at San Jorge hospital in Huesca, the provincial capital.

Mr Copestake said: "I have nothing. We've lost everything. I have a pair of shoes and my wife has a watch. But we're alive."

His voice often breaking with emotion, he described their ordeal. "We came into Spain on a ferry at Bilbao about ten days ago and had been in Biescas for four or five days — in reality we weren't booked to arrive until tomorrow but we decided to come early because the weather was bad on the coast."

He let out a wry chuckle. "We had planned to spend

another two weeks at the Biescas campsite. We had been there before. It's a great campsite, a beautiful place. It's surrounded by mountains. There are campsites higher in the Pyrenees. It's a very nice location, had good facilities and was very well run.

"We didn't realise there were going to be any problems at all until it was virtually too late to make an escape. People did leave, but whether they left because they knew what was coming or because they felt there was no point in hanging round here, I don't know."

"We just decided to sit it out. The thunder was rumbling



## Air pocket saves wife after car is swept away in the dark



and it began to hail with quite large hailstones. And there came a real deluge at about 7.30 in the evening. It was raining for about two hours

and really got bad towards the end. I heard someone screaming. I looked out of the tent and I could see water cascading down the side of the campsite

just outside and I thought it must have been going down some kind of channel.

"We decided to get in the car and go. But it was too late. We got about ten yards and it just ripped through the campsite. At that point it was bouncing over the bonnet of the car. It turned over and everything went black. We couldn't see. We were travelling upside down in the water for, it must have been, several hundred yards and we came to a rest upside down against a caravan stuck by some trees."

"I got out. My wife was trapped for quite a long time." His voice quavered. "Initially

the water was coming over the car but it kind of formed an air pocket just where my wife's head was. She was very lucky. I was fighting to get her out. But there was nothing I could do until people came and eventually the Civil Guard arrived and, I think by luck really, a JCB came along and the driver was able to scrape away stones from around the car and then it was lifted and we were able to get Andrée out."

"It seemed to take a long time to get her out, maybe an hour. The water went down fairly quickly but it was still thundering and she was stuck." Mr Copestake was worried that more water would come down.

He described the scene at the camp as one of complete horror as rescuers arrived. "It was absolute chaos, there were stones, trees, caravans and cars piled up, people wandering about and groups standing in shock. It was terrible. They had difficulty getting the rescue services in

because the roads were cut. Andrée has a broken foot and she's in the hospital beside me. We're both together. I don't know how long we'll be here. I'm not too bad. I came out of it quite lightly — a few bruises and the odd cut. They've been excellent in looking after us."

"The [British] consulate have been on to me and they're making a few telephone calls and they said, 'Stay here and we'll see what tomorrow brings'. There were two other British families I saw at the campsite but I heard from the consulate that they are OK."

Mr Copestake said he had no idea what had really happened, and asked for details. He was stunned to hear of the soaring death toll.

"I know exactly how those people went," he said quietly, reliving his experience. "It's frightening. We felt so helpless. We're very lucky people."

The body of one victim was found lying drowned nine miles from the campsite, Angel Jean, the town clerk, said.

## Award-winning site in mountains kept to strict standards

BY EDWARD OWEN AND LYN JENKINS

ALL regulations concerning campsites in Spain are controlled by the country's 17 autonomous regions, the Government's tourist department in Madrid said yesterday.

A spokesman said that Camping Las Nieves was therefore the responsibility of the Aragon regional government in north-central Spain. Miguel Orduña, the spokesman for the Aragon regional administration, said all licensing and restrictions concerning campsites were enshrined in a 1990 law. He did not feel it was necessary to check the rules against the site at Las Nieves at the confluence of two streams and a river, just over a mile from Biescas, in the Spanish Pyrenees.

Las Nieves "complied fully with the law and last year the Spanish Camping Association awarded the site a prize for its management and organisation," Señor Orduña said.

"It had all the necessary requisites," said Señor Orduña. He categorically denied reports that the campsite was located beneath a lake or reservoir. "There is a creek that runs alongside it," he said. "There is no lake. What happened is that the massive storm brought down a load of debris, stones, branches and broken tree trunks, which lodged against a bridge on the road above the campsite. It created a sort of dam. The water built up and finally the bridge gave way and the campsite was inundated."

He said the wave first swept down from the broken bridge to the site car park about 40 yards away and then carried vehicles right through the camping area and down into the River Gallego below. He said the river is narrow, and such was the force of water that ran through its gorge that bodies were yesterday being found more than ten miles downstream.

Señor Orduña said that the search for victims was concentrating on a layer of mud, more than 6ft deep in places, as well as inside wrecked

vehicles and caravans buried in the morass.

Since 1962, more than 600 people have died in floods in Spain, but this is the first major flood disaster involving a campsite. Most fatalities were in the Barcelona area in 1962 when 257 died, and in 1973 around Almería in south-eastern Spain where more than 200 people died.

### CAMPING

The previous worst campsite disaster in Spain was 18 years ago. On July 11, 1978, an overloaded bulk gas road tanker crashed on the road outside Los Alfaques campsite, near Tarragona. The wall of flaming gas that rolled through the site killed 215 people. Two victims were never identified; 65 were seriously burnt.

Camping on the Continent has become a booming business, with more than half a million families crossing the Channel each year. Camping Las Nieves is typical of the splendid sites in remote and wild areas much favoured by those who pick their own route at their own pace.

While European Commis-

sion directives lay down basic campsite standards, they concentrate on minimum requirements for facilities like water supply and sanitation rather than protection from natural disaster. The most popular sites are next to lakes, rivers, high in the mountains or nestled in the picturesque woodlands of southern Europe, where forest fire is a significant risk.

The Caravan Club, with 285,000 member families representing half the caravan-owning population in the United Kingdom, books about 100,000 campers into sites that it has inspected in continental Europe. Camping Las Nieves was not among them.

Other members pick sites from the club's guide, which is compiled from reports sent in by members. Camping Las Nieves is described in the 1990 guide as "excellent" and "recommended".

Brian Savage, the director of membership services, said: "EC directives ensure sites are up to a particular standard concerning children's play areas, fire precautions, exits and that sort of thing. They do look at the location as well, but a natural disaster you cannot predict or prevent."

## Hot and humid weather to blame

BY LEYLA LINTON

THE flash floods in the Pyrenees were triggered by a cold front moving south down through France.

Shortly before the catastrophe, the weather was warm and very humid. Meteorologists were able to forecast heavy rain, but it would have been impossible to predict a deluge in such a small area.

Weather observation points in towns surrounding the mountains did not record any unusual rainfall yesterday. "It is just chance, a combination of a lot of unfortunate circumstances," the Meteorological Office said. "The rain fell in steep-sided river valleys and when these rivers reached their narrow point they burst their banks with catastrophic consequences."

### MET. OFFICE

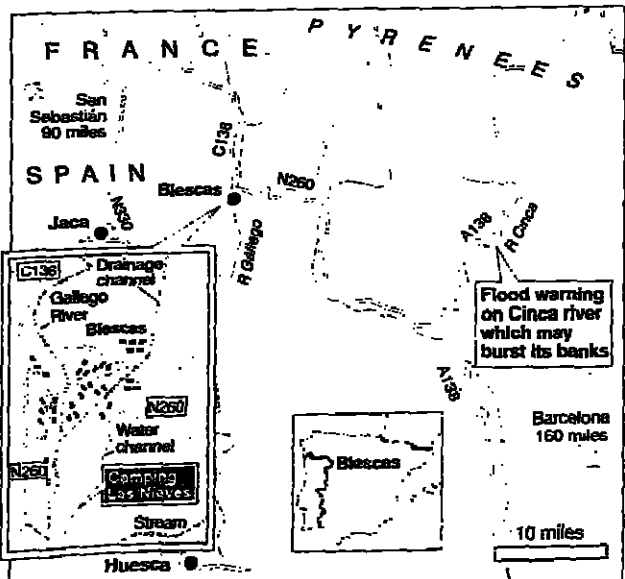
This is the right time of year for heavy cloudbursts because of the hot weather."

The Met Office does not believe that flooding is on the increase. "Although the worldwide scientific community is certain that global warming exists, it is difficult to link it to specific weather events."

A spokeswoman at the World Meteorological Office in Geneva said weather alone was not always to blame for flooding as bad land management could be an important factor. A spokesman for the Hadley Centre for Climate Prediction and Research, Bracknell, said: "I do not think this flooding is a result of climatic change."

"The theory of global warming does suggest that there should be an increased rainfall with higher temperatures, but although it is a trend globally, it is very small and only just detectable."

Landslides are common in Spain. Most occur in mountainous areas and are a direct result of intense rainfall. The British Geological Survey estimates that landslides and associated hazards cost Spain £130 million a year.



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Errant MP was urged to get in touch as Labour sought to portray row as 'a summer hiccup'

# Prescott cushioned impact of Short's 'dark forces' attack

By Philip Webster, Political Editor

JOHN PRESCOTT made a nationwide appeal to Clare Short to get in touch as the storm over her *New Statesman* interview broke on Wednesday night.

Appearing on *Newsnight* on BBC2 to launch what seemed by last night to have been a highly effective damage limitation exercise, the deputy leader said that neither he nor anyone else in the leadership had been able to contact Ms Short: "If you are watching, Clare, please call," he said.

Early yesterday morning Mr Short made contact. By then Mr Prescott, who took charge of the party on Saturday when Mr Blair went to Tuscany, had put his plan into operation.

Mr Prescott, Peter Mandelson — the party's chief election planner, a long-time confidant of Mr Blair and one of the unnamed "dark forces" identified by Ms Short — Gordon Brown, the Shadow Chancellor, and David Hill, Labour's chief media spokesman, were the key figures. Other "figures from the dark" — Alastair Campbell, Mr Blair's press secretary, and Tim Allan, his deputy — were on holiday. Mr Prescott, whose stature as a party manager has been great-

ly enhanced in recent months, asked for a full copy of Ms Short's words.

Once he had seen them, he was in no doubt. The leadership should take an "in sorrow rather than anger" approach, playing it down as far as possible, acknowledging that Ms Short was upset by her demotion, but at the same time getting across the message that she had helped the Tories by what she had done.

Mr Blair was at a restaurant and it was not until some time later that he was briefed on what had happened.

The provisional view formed by Mr Prescott, and backed by the others in consultation, was that there would be nothing to be gained by dismissing Ms Short from her role as overseas development spokesman. Sacking her would turn her into a martyr and would prolong a story that they wanted to bury. They had no power to remove her from the Shadow Cabinet, to which she is elected.

Mr Prescott, who consulted Mr Brown, Mr Mandelson and Mr Hill, put out a press statement and headed for the BBC studios, where he presented a calm, unruffled display much out of keeping with

the Prescott of old. He said that he was sad about what had happened and wished that Ms Short had used the privacy of Shadow Cabinet and National Executive Committee meetings to put across her case.

Relations recently between Ms Short and Mr Prescott, once good friends, have not been good: they had sharp differences over the party's rail privatisation policy and some MPs believe that Ms Short was referring to him when she spoke in her interview of being damaged by someone she had considered to be a friend.

Yesterday morning it was necessary to involve Mr Blair again. Mr Prescott gave an interview to BBC Radio 4's *Today* programme. But the news bulletins were running with stories suggesting that Mr Blair was having to face up to a decision on whether to sack Ms Short.

Mr Blair, after being contacted in Tuscany, decided that he had to kill the story. He instructed his office to issue a statement to the BBC suggesting that the story had been "blown up" out of proportion, that no action would be taken against Ms Short and that the



Clare Short leaving home yesterday. Her statement that there were no policy differences echoed Mr Blair's

matter was closed. The key line — difficult to sustain on a strict reading of the Short interview — was that there were no policy differences. It was intended to allow Mr Blair, somehow, to maintain the impression if not the reality of collective responsibility. A breach should mean instant resignation.

Ms Short was contacted on Mr Blair's behalf and told of

the statement. Perplexed by the furore that her interview had set off, she agreed, apparently readily, to put out a similar statement saying that there were no policy differences.

Meanwhile Robin Cook, the Shadow Foreign Secretary, reduced the whole affair to "a summer hiccup" at a press conference on Labour's plans to force parties to declare big

donations. There were no policy divisions: there would be no further action, no further comment. But was she not damaging Labour's chances of victory at the election? No, because Ms Short had made plain that, unlike the Tories, there were no policy differences between them.

"We can put an end to this summer hiccup because there is no continuing policy argu-

ment," he said. Ms Short then became unavailable again: Mr Blair resumed his holiday, suddenly besieged by the British and Italian press: Mr Prescott, a job well done, went home to Hull.

The crisis had passed. But the Tories will not allow it to be forgotten.

Anthony Howard, page 16  
Leading article, page 17

## How focus groups influence the party

By Andrew Pierce

CLARE SHORT'S criticism of the influence of "focus groups" of floating voters on the presentation of Labour policy will leave Tony Blair undaunted.

When Neil Kinnock and Peter Mandelson, his communications chief, set up the ad-hoc groups in the mid-1980s, they were intended to complement ideas produced by the party itself. But today they are one of the most important influences on the Labour leader.

The groups are run by Mr Mandelson, MP for Harlepool and head of Labour's election campaign, and Philip Gould, the advertising guru turned political consultant, which heightens the suspicions of Ms Short and others. They are the "dark figures" who bore the brunt of her criticism in yesterday's *New Statesman*. Few Shadow Cabinet members enjoy such access to Mr Blair as Mr Gould does.

A focus group involves up to ten voters, chosen by NOP, meeting for an informal discussion on a specific issue. Mr Gould, 45, is master of the art.

Using his experience in marketing and advertising, he gleans what motivates the floating voter. But critics believe the group's moderators can produce answers Labour wants to hear.

## Blair stays silent in land of feuds and renaissance

FROM RICHARD OWEN IN ROME

TONY BLAIR steadfastly refused to comment yesterday on Clare Short's withering remarks. He left the Tuscan estate where he is on holiday to have lunch with a prominent left-wing politician in Florence, but said that comments on upheavals at home would be impolite to his hosts.

Mr Blair is staying in a medieval castle surrounded by olive groves and vineyards at San Gimignano. It belongs to the millionaire Labour MP Geoffrey Robinson. The Blair family has the run of the estate while Mr Robinson is in South Africa.

The Labour leader insisted that he was on a family holiday, giving him and his wife and children the chance to explore the undulating Tuscan landscape and Renaissance treasures. He told his host in Florence, Vannino Chiti, president of the Tuscan region, that he would speak to Italian journalists but added:

"I do not want the British press intruding on my holiday — it would not be right to come to Italy and focus on British problems."

Mr Blair has taken the opportunity to embark on an intensive programme of political talks with local leaders of the Italian Left. According to them, he is seeking to draw lessons from the historic shift which brought the reformed Communists (now the Party of the Democratic Left) into power in April for the first time. He admires Romano Prodi, the Prime Minister and leader of the "olive tree" coalition of Centrists and former Communists, now experiencing their own internal tensions over public sector wages and privatisation.

In San Gimignano, the fortified medieval town referred to as *Monteriano* in E.M. Forster's *Where Angels Fear to Tread*, Franco Nencioni, the Mayor, took the

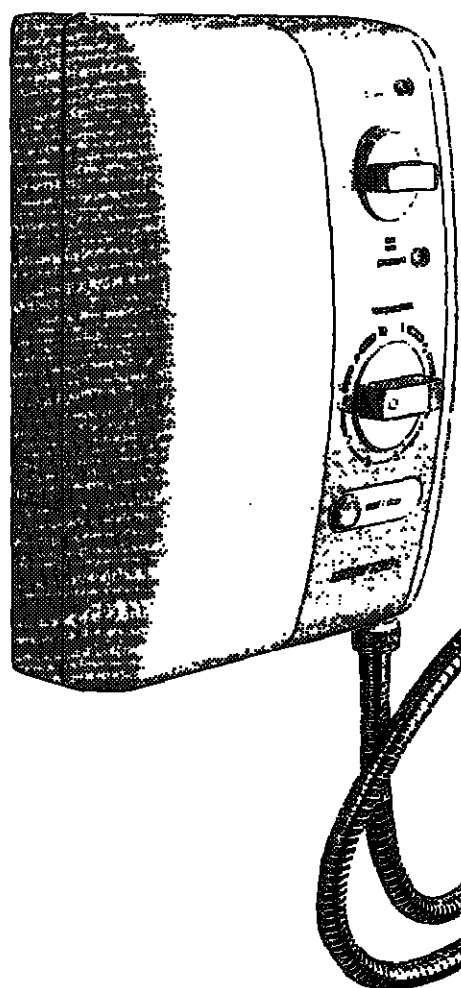
Blair family to the top of the Torre Grossa, the tallest and best preserved of the 15 towers which survive from 13th century feuds.

Yesterday Signor Chiti, a rising figure on the reinvigorated Left, said that Mr Blair had paid him a courtesy visit. In the course of a two-hour lunch, they discussed the prospect of a Labour government in Britain and the future of the Left in Europe. Mr Blair ate spaghetti pesto and drank Tuscan wine.

"I found him a very frank young man, full of youth, energy and ideas," Signor Chiti said. "I have the impression that Mr Blair will make quite an impact as a European leader, not just a British one."

Today the Blair family will move on to Siena, where their visit will again combine politics with culture, before returning to London at the weekend.

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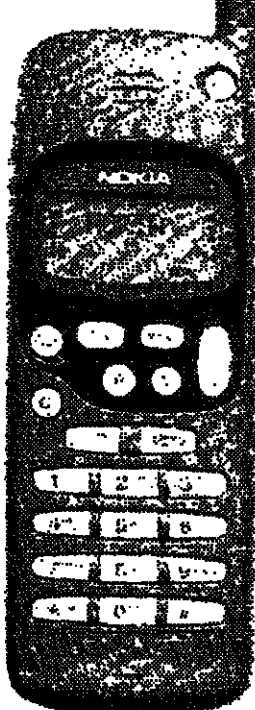
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# Glamour faded for designer who put style into the Sixties

BY GRACE BRADBERRY

FROM rags to riches to rags again, Ossie Clark's life story encompasses much of the glamour and the waste of the 1960s dream. His glory years as a designer were from 1965 to 1972, when the "beautiful people" including Veruschka, Elizabeth Taylor, Natalie Wood, Patti Boyd and Bianca Jagger, bought his designs from Quorum in the King's Road.

He will be best remembered for his collaborations with his former wife, the textile designer Celia Birtwell. He took her chiffon prints and turned them into beautifully cut dresses. Together they symbolised a free-spirited era, and were immortalised by their friend David Hockney in his painting *Mr and Mrs Clark and Percy*.

Along with Hockney, Clark was one of a wave of talented working-class northerners who arrived in London in the 1960s. Raymond Clark was born into a family of eight in Oswaldtwistle (hence the nickname), on the border of Lancashire and Yorkshire on



High and low: The young Clark with one of his famous clients, Patti Boyd and, right, after his court appearance this year for biting a policeman

June 9, 1942. After studying at Manchester Art School, and then at the Royal College of Art, he threw his lot in with Alice Pollock, who ran Quorum. Soon his leather motorbike jacket and maxi coat were being modelled by Jean Shrimpton for Vogue. Soon afterwards Yves Saint Laurent designed his own collection of leather bomber jackets. Ossie had met Celia in a coffee bar in Manchester

when she was studying at Salford Art College. They met again in London, began living together, and married in 1968, when she was pregnant with their elder son, Albert. They had another son, George, but the couple divorced in 1975.

Celia left to join Hockney in California. Later, Celia was to say, "He has always been trouble, but it's all bound up together — genius and trou-

ble." For a while Clark operated from a basement in Beauchamp Place, but in 1981 his business went into liquidation and he signed on the dole. Two years later he went bankrupt, blaming his plight on the break-up of his marriage and his inability to understand finance.

At one stage, he was reduced to sleeping on friends' sofas. Two years ago, he appeared to be on a brink of a

breakthrough, as models such as Naomi Campbell and Susie Bick were seen in his original designs. It never happened.

Speaking at the interior design shop she owns in Ladbroke Grove, Miss Birtwell said that the pressures of fame had grown too much for him: "I have two wonderful sons from Ossie and we are in shock and grief. I want to remember Ossie for the great talent he was in the 1960s. We had great times together. He was a unique designer. It's a pity it didn't go on."

The years from 1966 to 1974 were the marvellous times. He was a real star but unfortunately it didn't last. I think he got broken by it all.

Clark's decline hit a new low in January when he was jailed for two years for biting a policeman after driving into the back of an off-duty policeman's car. His sentence for common assault and refusing to provide a breath test was reduced to one year on probation, after his barrister said that Clark hoped to pick up the pieces of his career. Oscar del Fabro told the court that



Forever young: Hockney's painting of Clark and his ex-wife, at the Tate Gallery

Clark was a Buddhist who "abhorred violence" and had given more than most people to society before losing his way.

One neighbour, Kenneth Snedden, 35, a London Underground supervisor, told last night how Clark often invited small groups of friends to his flat, which was filled with spartan furniture, joss sticks and a 3ft shrine made from coloured packets of cocktail cigarettes. He described Clark as a camp,

friendly man who directed most of his affection at his dog.

The flat was organised chaos. There were yellowing newspaper clippings on the wall of the 1960s and a sewing machine in one corner. It was artistically neglected," Mr Snedden said. "He could look like anything between Oliver Reed and Oscar Wilde. He would privately describe himself as a virgin queen."

Zandra Rhodes said: "I knew him very well when he

was just leaving college. I went to Rome with him and Celia. I think of him rather like Greta Garbo — he retired from everything at the height of it all. His contribution will always be of importance."

The designer and television presenter Jeff Banks said: "If I'd heard he died from drinking too many bottles of an excellent claret or drowned in champagne then I'd have said that was like Ossie."

Obituary, page 19

## Rothschild was 'depressed over mother's death'

BY LIN JENKINS

AMSCHEL ROTHSCHILD, the heir to the banking dynasty, committed suicide after becoming depressed by the death of his mother, an inquest was told yesterday.

Mr Rothschild, 41, a father of three, was found hanged by his bathrobe cord in the bathroom of his room in the Hôtel Bristol, Paris.

Dr Paul Knapman, the Westminster Coroner, said yesterday as he recorded a verdict of suicide: "I am forced to conclude that he killed himself. There are no bizarre features which are sometimes associated with male hanging." Although he had appeared on July 8 to be "seemingly all right", he was obviously depressed, he added.

Anita Rothschild, 39, told the hearing in a written statement that her husband suffered depressive tendencies and had been extremely upset by the death of his mother, Teresa, six weeks previously. "We do not know the reason for this but certain family antecedents predisposed him to this act. The loss of his mother had affected him but he was not undergoing any treatment."

Mr Rothschild's grandfather, Charles, cut his throat in 1923 after being infected with a strain of an influenza epidemic which produced encephalitis — inflammation of the brain. Mrs Rothschild, mother of their children, Kate, 13, Alice, 12 and James, 11, did not attend the inquest.

Mr Rothschild, of Kensington, west London, who also had an estate in Suffolk, had been in Paris to chair a meeting of Rothschild Asset Management. Colleagues at

the meeting, which lasted all day, reported that all had gone well.

However, Naima Debouza, 23, a chambermaid, said that when she delivered his laundry to his room he was "annoyed, even disturbed". Mrs Debouza said in her statement: "He received me oddly. I knocked on the door. He took the box containing the washing out of my hands very aggressively and banged his door like someone annoyed, even disturbed."

When she returned 90 minutes later to turn down the bed, she found Mr Rothschild dead. The telephone was ringing and she ran downstairs to summon help.

Peter Troughton, his deputy, and two business colleagues were waiting in the bar downstairs and became worried when he did not appear. Later the hotel manager told them he was dead.

Mr Troughton told the inquest that it was unlike Mr Rothschild to be late and he tried phoning the room. He had not noticed anything unusual about Mr Rothschild's manner or mood on the day of his death and the banker had not seemed to have taken his mother's death badly. But Mr Troughton conceded that "he was reticent".

Iain West, a Home Office pathologist, said he found nothing to indicate a third party was involved, nor any traces of alcohol or drugs.

Mr Rothschild was the sixth generation of the English banking family, had a fortune with an estimated value of £30 million, and was tipped as the likely successor to Sir Evelyn de Rothschild as chairman of Rothschild Bank.

## Girl held at gunpoint in bank robbery

ARMED raiders held a 13-year-old girl and threatened to kill her during a bank robbery, police said yesterday.

Sara Cutler had gone to Lloyds Bank in Coventry Road, Birmingham, with her friend Thomas Piercy, 11, to pay in £30 rent for his mother. One of two raiders wearing balaclavas grabbed Sara by the neck, pushed her face against the counter and pressed a pistol barrel against her head. He told a cashier: "Hand over the money or I'll blow her head off."

The other raider, who had a shotgun, held up the manager of the bank, before snatching £6,000 from a male cashier. A customer at the bank was also robbed of his wallet and cash.



Sara Cutler: had gone on errand with friend

that was being paid in. The two raiders, both black, made their escape in a stolen silver Vauxhall Cavalier, which was later found in a street near by. Anne Whicker, Sara's mother, said: "If the bank staff hadn't done as they were told, my daughter and Thomas could be dead now. I'm hoping that this hasn't scarred them for life."

West Midlands Police said it had been an extremely frightening incident for the children. "But they coped remarkably well," Detective Sergeant Steve Trenbith said that a red dye was likely to have spilt over the stolen cash.

The British Bankers' Association has offered a £15,000 reward for information leading to the arrest and conviction of the robbers.

### CORRECTION

Virginia Bottomley, the National Heritage Secretary, did attend the Olympic Games in Atlanta, contrary to our report of August 1. We apologise for the error.

# The case of the CRIMINAL broad bean.

Meet a potential Euro law breaker. The Crimson Flowered broad bean, the bean that once graced the dining table of Shakespeare, is now, according to Brussels, illegal to sell for export. And be the only vegetable to be so. Their intentions are well intended as this directive means that the Silsdon Bomb cabbage, the Blonde cucumber and the Incomparable turnip will also be for the chop.

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# Minimalists say less is more. Citroën says more is less.



The large canvas above is a fine example of the Minimalist art movement.

They were interested in pushing the boundaries of art by exploring the tension and juxtaposition of colour, space and form.

At Citroën we're interested in pushing the boundaries of car buying by exploring excellent value, free gifts and special finance packages.

Hence the small framed piece of art in the foreground.

As you can see, the Special Edition ZX Elation S is available to drive away for £9,990\* with more equipment than you can shake a paintbrush at.

The Citroën ZX comes with free on the road costs worth £557 which means you don't pay

for delivery, number plates or road tax.\*\*

You can buy a ZX with the minimum of fuss. There's a range of financial schemes including 0% APR finance and Elect 3†.

We'll even give you a free Vodafone mobile phone with all ZX models.†

It's the least we can do.

For further details about the ZX at the Citroën Summer Exhibition contact your local dealer or phone free on 0800 262 262.

## CITROËN ZX

### Summer Exhibition '96

JUNE 1ST - AUGUST 31ST

JP 11/10/96

\*CAR SHOWN CITROËN ZX ELATION S 1.4i 3 DOOR £9,990 ON THE ROAD. \*\*ON THE ROAD COSTS OF £557 TO INCLUDE NUMBER PLATES, DELIVERY AND SIX MONTHS' ROAD FUND LICENCE ARE PAID FOR BY THE MANUFACTURER ON ZX MODELS REGISTERED BETWEEN 1.6.96 AND 31.8.96. †FINANCE SUBJECT TO STATUS. A GUARANTEE MAY BE REQUIRED. FULL WRITTEN QUOTATIONS ON REQUEST FROM PSA FINANCE PLC., SICILIAN AVENUE, LONDON WC1A 2QQ. ‡MOBILE PHONE OFFER EXCLUDES CHANNEL ISLANDS AND ISLE OF MAN. ELIGIBILITY SUBJECT TO AGE, STATUS, TERMS AND PAYMENT OF A 12 MONTH LINE RENTAL AGREEMENT. DIGITAL TARIFFS WILL BE CHARGED AT £26 PLUS VAT FOR CONNECTION. FOR EXPORT/TAX-FREE SALES CONTACT CITROËN BERKELEY SQUARE, TEL 0171 629 6916. OFFERS APPLY TO RETAIL SALES OF CITROËN ZX MODELS ORDERED AND REGISTERED BETWEEN 1.6.96 AND 31.8.96. PRICES CORRECT AT TIME OF GOING TO PRESS.



## Palace yields to invasion by tourist hordes

By ALAN HAMILTON

THE Queen had been on holiday barely a day when her London home was again thrown open to public gaze. Queues began to form soon after 6am yesterday for the first day of this year's annual opening of Buckingham Palace.

Since the Palace took the bold experimental step in 1993 of allowing the common herd admission to John Nash's magnificent Regency staterooms, there have been capacity crowds, although the number of tickets sold each day are strictly limited. By the time it closes again on 30 September, 400,000 visitors will have been accommodated.

With the success of the souvenir shop, officials of the Royal Collection Trust hope to match last year's net takings of £3 million, even though the Palace was then open for two days longer.

The Queen had to open the Palace to help to pay for restoration at Windsor Castle after the 1992 fire, when the public made plain that repairs should not be funded wholly by the taxpayer. By the end of last year, the Palace opening had contributed £8 million towards the estimated £40 million cost of restoring the castle.

It had been intended that the Palace only be open for five seasons, closing for good when the Windsor restoration work was completed in spring 1998. But such has been its popularity, that it will now open each summer at least until 2000. Officials will then decide whether the building can stand more tramping of 7,000 pairs of feet a day through its carpeted corridors. If the fabric can stand the strain, opening will be extended.

The four route and the rooms remain the same, but many of the 29 paintings which last year were on loan to exhibitions have returned. Visitors will again be able to see Rembrandt's *The Shipbuilder and his Wife*, and Vermeer's *Lady At The Virginals*.

Visitors can again buy their tickets from the Green Park box office up to five days in advance.

Open daily Aug 8 until Sept 30, from 9.30am; last admission 4.30pm. Adults £8.50, over-60s £6, under-17s £4.50. Ticket office open from 9am daily.

## Attack survivor can run and skip but smile conceals her mental scars

# Doctors astounded by recovery of girl left for dead

By JOANNA BALE

KENT police released a video and photographs yesterday showing the remarkable recovery of Josephine Russell, the nine-year-old girl who suffered severe head injuries at the hands of an attacker who battered her mother and sister to death.

She was barely alive when found, having been beaten with a hammer, but in the month since the murders she has astounded the specialists treating her. She can now run around and use a skipping rope, but a straw hat hides the scars on her shaved head and

will undergo another operation next week to repair her scalp.

Her injuries have seriously restricted her ability to speak and she has three sessions a week with a speech therapist at a London hospital, which is not being named for security reasons. As the only witness to the murders she is under 24-hour police guard. She can utter only the simplest words, which doctors say resemble the speech of a two-year-old, and has been unable to tell police anything. However, she appears to understand adult

conversation and detectives are hoping that she will recover enough to give them vital clues about the attacker.

WPC Pauline Smith, one of two police officers who has been with Josephine and her father, Shaun, since the attack, said: "She is so physically well. That is both wonderful and amazing. We can't believe that only four weeks ago she was left for dead. She has been playing noughts and crosses and other paper games as well as drawing, and she has a very good appetite."

Mark Pugash, a Kent police spokesman, said: "You would not notice the problems that she has from the pictures. It is a very happy expression she shows, but it does hide that she still has a long way to go. She is not really speaking and we don't know how long it will take before she is able to, but doctors are optimistic."

"With a head injury it is difficult to specify what the permanent effects on her will be at such an early stage. It could be that her intellect is affected but we do not really know."

"She looks like any other child of her age enjoying herself in a park in the summer, but the picture hides the mental scars and the speech problems that she has to overcome."

Detective Inspector Ray Cozens added: "We are hopeful that she will be able to tell us everything that took place that afternoon. It will take time and we are prepared to wait." Police are hoping that the pictures will encourage anyone shielding the attacker to come forward.

Dr Russell, a university lecturer who spends every day at his daughter's hospital bedside, talked yesterday of "the blankness of the future", but said he had been encouraged



A month after the attack, Josephine has recovered enough to walk in the park

by dozens of letters from the public. He said: "Very soon after reading those letters I realise how strong I have to be for her. I only have to look into her eyes every time she wakes up in the morning for that to be reinforced."

In an interview two weeks ago he disclosed that a hospi-

tal psychologist had told his daughter that her mother and sister were dead and that she responded by turning violently away and by outbursts of crying.

Her mother, Lin, 45, and her sister Megan, six, were murdered as they walked through a field on their way

from Goodnestone Primary School to their home in Nonington, Kent. Police want to trace a man seen soon after attack throwing over a hedge a bag that contained the girls' swimming costumes. He was between 35 and 40, about 5ft 5in and slim with short, light hair.



Lin and Megan Russell: killed by hammer blows



Josephine with her father, Shaun Russell

## Few words speak volumes about Josephine's prospects

IT IS hard to believe when looking at photographs of Josephine Russell that she nearly died a month ago. It has been emphasised, however, that despite her appearance she has a long way to go to achieve a full recovery. Loss of the ability to speak, known as aphasia, could be the result of a physical injury to the brain or could be psychogenic — the consequence of the mental trauma to which a patient has been subjected, rather than physical trauma. When aphasia is caused by

mental stress it is a defence mechanism, a subconscious device which spares the patient the need to talk about an unpleasant and distressing event.

When the loss of speech results from a physical cause, the damage has been to a small part of the brain, Broca's area. This is a section on the inferior, posterior frontal area of the cerebral hemisphere, just above the fissure of Sylvius, one of the most prominent fissures dividing the brain surface. Broca's area



can be damaged by physical trauma, such as a blow to the head, or by a stroke or tumour. It is not uncommon for the damage to be so localised that, although it is severe enough to cause the patient to lose speech, he or she retains all other functions.

The patient has full control of all their voluntary muscles as well as the ability to display instinctive ones, such as facial expressions; although speech may have gone, their intelligence can be normal.

When loss of speech is the result of a damaged Broca's

area, a patient usually has the ability to make noises or say a few words, although indistinct. Josephine Russell is still able to use the occasional phrase and is having speech therapy. When aphasia is brought about by psychological stress and is a defence mechanism, the defence is usually complete: the patient issues no noises whatsoever. An MRI scan will usually detect even small amounts of damage to Broca's area.

Josephine's speech therapist will teach her how to develop

and extend the speech she has. If the cause is physical, the improvement will continue for months as any injury to Broca's area heals.

After a serious head injury, retrograde amnesia is usual and it may well be that, even after her speech is again intelligible, she will not be able to identify the murderer as she may have lost all recollection of the event.

DR THOMAS STUTTAFFORD

## NEWS IN BRIEF

### Singapore court frees theft case schoolboy

A public schoolboy who faced a jail sentence in Singapore after allegedly stealing a handbag in a nightclub prank is free to return home, the Foreign Office said.

The theft charge against David Raven, 18, of Arnold School, Blackpool, was formally dropped when he appeared before a court yesterday. It was not known whether the money said to have been stolen had been repaid to secure his release. He spent four nights in jail after being arrested.

### Cannabis crop

More than 400 cannabis plants and magic mushrooms were found at the home of Roger Spurrell, 41, a former rugby player with Bath. Truro Crown Court fined him £250 and sentenced him to 160 hours' community service.

### Coca Cola fined

Coca Cola Schweppes was fined £10,000 after a worker was trapped by a machine at its plant in Edmonton, north London. Enfield magistrates were told that the man suffered crushed vertebrae. The company admitted breaching health and safety regulations.

### Coaches collide

Four people were seriously hurt when two coaches collided in Frome, Somerset. A 17-year-old girl suffered head injuries and 16 others were treated for minor cuts. The coaches had been provided after a train from Weymouth to Bristol was cancelled.

### Glazed over

More than 100,000 people have registered with the Telephone Preference Service to halt cold-calling from salesmen. The service was set up a year ago to prevent unwanted calls. Some 125 companies and organisations have also registered.

### Expensive trim

A gardener who quoted "eleven fifty" for trimming four trees for a pensioner, then charged £1,150, was jailed for two months by Blaenau Gwent magistrates. John Gilmore, 36, of Abergele, admitted the deception of Raymond Gibb, 75, of Tywyn.

### Burchill divorce

The 11-year marriage of the journalists Julie Burchill, 36, and Cosmo Landesman, 40, has ended after a judge ruled that she had behaved in such a way that Mr Landesman could no longer be expected to remain married to her. The order was not contested.

# Chris Brown of Grolsch UK

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# Farmer who shot burglar says 'I'd do same again'

By KATE ALDERSON

A FARMER cleared of causing grievous bodily harm to a burglar he wounded with a shotgun said that householders should be able to protect their homes from thieves who came in the night like "packs of rats".

"Why don't we have laws like in the United States, where you can go out with a gun, go bang bang, and then go back to bed?" Kenneth Hall, 63, said after the case.

Mr Hall shot Neil Hartley once after discovering him stealing from his car at his farm in Thurstonland, west Yorkshire. The jury at Bradford Crown Court took three hours 40 minutes to find him not guilty yesterday.

As he left court Mr Hall, who put up a sign at his home saying "Never mind the dog, beware of the owner", said that he would take the same course of action again if faced with an intruder.

Hartley, 32, said after the case: "There has been a miscarriage of justice. People ought to be very careful if they think they have the right to shoot someone in this situa-

tion." The farmer, who had had a number of break-ins, told the jury he had not intended to shoot Hartley, who had a long history of convictions and had committed more than 85 house burglaries.

Mr Hall said that he was "frightened to death" when he discovered the intruder at 2am in June last year, and had meant to shoot over Hartley's head after he was allegedly threatened with a knife.

Hartley, of Honley, near Huddersfield, told the court that he was running away when shot. He was wounded in the face, neck and shoulder and spent four days in hospital, some of that time in intensive care.

At a hearing last December he admitted stealing £27 from a purse on the dashboard of Mr Hall's car and was sentenced to community service. He was also ordered to pay £27 compensation.

Mr Hall, whose wife Audrey, 54, was in court, thanked the jury when the verdict was returned. Speaking afterwards, he said that his life had been blighted by the incident.



Hartley: treated in intensive care

"On Christmas Day I was feeding some cattle in a field at 5am, seven miles from home, and I remember thinking, 'I wonder what Hartley's doing now,'" Mr Hall said.

"I'm more angry with the system than I am with him. I can understand these young lads in some respects; they're bred on idleness and that's

why they turn to crime. But you shouldn't have these people coming in the night. They come like packs of rats. You should be able to protect your own home. I would do the same again in the same circumstances."

He said that he should not have been charged. "We need to get the upper hand when it comes to these people. It's a vicious world out there and you take these guns out because you're frightened."

Hartley said yesterday: "I have learnt my lesson. I would be a fool to start my criminal activity again."

Karen Garnshaw, a friend of Hartley, said: "This has had a profound effect on his life. He has kept out of trouble. In doing so he has made himself a prisoner in his own home. Local people have not shown much sympathy for a man who was shot after stealing from a car, but he was very badly hurt and it has all had an effect on him."

"He knows he is a thief and he is the first to admit that but he does not want people to think he is some kind of monster who goes around threatening others."



Kenneth Hall yesterday after being cleared of causing grievous bodily harm

## Hunt for corrupt official's fortune

By STEWART TENDLER

A SEARCH was launched yesterday for £1.5 million of assets acquired by a corrupt civil servant, Gordon Foxley, 71, was freed two months ago after serving half of a four-year sentence for taking bribes from contractors while at the Ministry of Defence.

After his trial, a judge ordered the confiscation of assets worth £1.5 million and said Foxley would face an extra three years in prison if the cash was not handed over. Foxley, who appealed against his conviction, has not paid.

Yesterday a team of receivers was appointed at the High Court, after an application by the Crown Prosecution Service. Foxley's family will be able to dispute seizures at a second hearing in October. If the cash is not found, Foxley could be returned to prison.

The former director of munitions procurement committed the largest single detected fraud in the history of Whitehall. He left prison to return to a £750,000 Oxfordshire home that is in his wife's name.

## Taking a year off could cost students £2,500

By DAVID CHARTER, EDUCATION CORRESPONDENT

STUDENTS waiting for their A-level results next week were advised yesterday to reconsider plans to take a year off if they want to avoid paying up to £2,500 extra in tuition fees.

Vice-chancellors of a dozen leading universities have admitted that they are considering charging "top-up" fees for tuition in 1997. Students who receive disappointing A-level results next Thursday should take up the best place they can rather than retake.

Tony Higgins, chief executive of the Universities and Colleges Admissions Service, said:

"The Committee of Vice-Chancellors and Principals has threatened a £300 university entry levy across the board in 1997 if funding cuts are not restored in November's Budget. A spokesman said yesterday the threat was greatest from about a dozen leading universities that were popular enough to risk putting some students off with the charge."

The London School of Economics has already decided in principle to charge fees, whatever the Budget contains. It would need £850 a year per student to recover money lost through successive funding cuts. Birmingham University has discussed plans for a £700 annual fee. Any student who started a course this October would be exempt from any extra annual fee.

Mr Higgins said that Ucas had always advised applicants

to use their grades to get an immediate place, but there was an added incentive this year. "If you try to resist next year you could be asked for even higher grades. And there may be the further problem of top-up fees. We are not saying that students should abandon the idea of taking a year out, but it is something they should bear in mind."

Mr Higgins said that there were roughly 420,000 applicants this year for 290,000 university places, about the same as last year, when 41,000, or 14 per cent, were placed in clearing.

He expected clearing to go smoothly, even if, as expected, A-level grades improved as a result of the introduction of modular exams. He said: "If the grades are better, more people will meet their offers and take up places, and there will be fewer college places available in the clearing system."

Ucas also announced yesterday that a growing number of students were following courses at their local university. Financial pressures were the most common reason why almost half of last year's undergraduates stayed close to home.

Last year 46 per cent of undergraduates went to a local university compared with 42 per cent the year before. Ucas said. The growth in mature students meant many chose their local university because of family commitments.

## Interest grows in fresh fruit

### WEEKEND SHOPPING

By OLLIE STONE-LEE

WITH carrots, onions, broad beans and peas all in season and berries, cherries, nectarines and peaches plentiful, parents have every opportunity during the school holidays to give children more fresh fruit and vegetables. Research has proved that the vitamins and minerals they contain help to improve children's concentration and enthusiasm to learn. Promotions include:

**Asda:** fresh 2.26kg chickens £3.99 each, pork chops £4.28 per kg, beef topside/silverside with added fat £5.57 per kg, courgettes 32p per lb, broccoli 39p per lb.

**Budgens:** Dutch unsmoked back bacon 400g for £1.99, large peaches 15p each, soft chocolate ice-cream 2l for £1.29, Cadbury's chocolate trifle 105g for 39p.

**Co-op:** Cherry Valley fresh chicken tikka 320g for £2.49, chicken basted with garlic and parsley 1.45kg for £3.49, smoked rindless streaky bacon 227g for £1.09.

**Dewhurst:** £1 off any purchase of £10 or more, English pork chops £1.89 a lb.

**Harrods:** supreme mortadella £1.80 per 100g, brussels and shrimp salad £1.35 per 100g.

**Marks & Spencer:** smoked salmon 125g for £2.99, English blackberries 340g for £1.49,

crisp heart lettuce 240kg for 89p, twin-pack chocolate chip cheesecake £1.49.

**Iceland:** boneless chicken breasts 900g for £4.49, breaded scampi 400g for £1.99, broccoli mix 907g for £1.19, white chocolate gâteau eight portions for £2.99.

**Morrisons:** British pork chops £1.89 per lb, ham and mushroom tagliatelle 600g for £2.19, fresh whole trout £1.29 per lb, runner beans 79p per lb, medium pineapples 59p each.

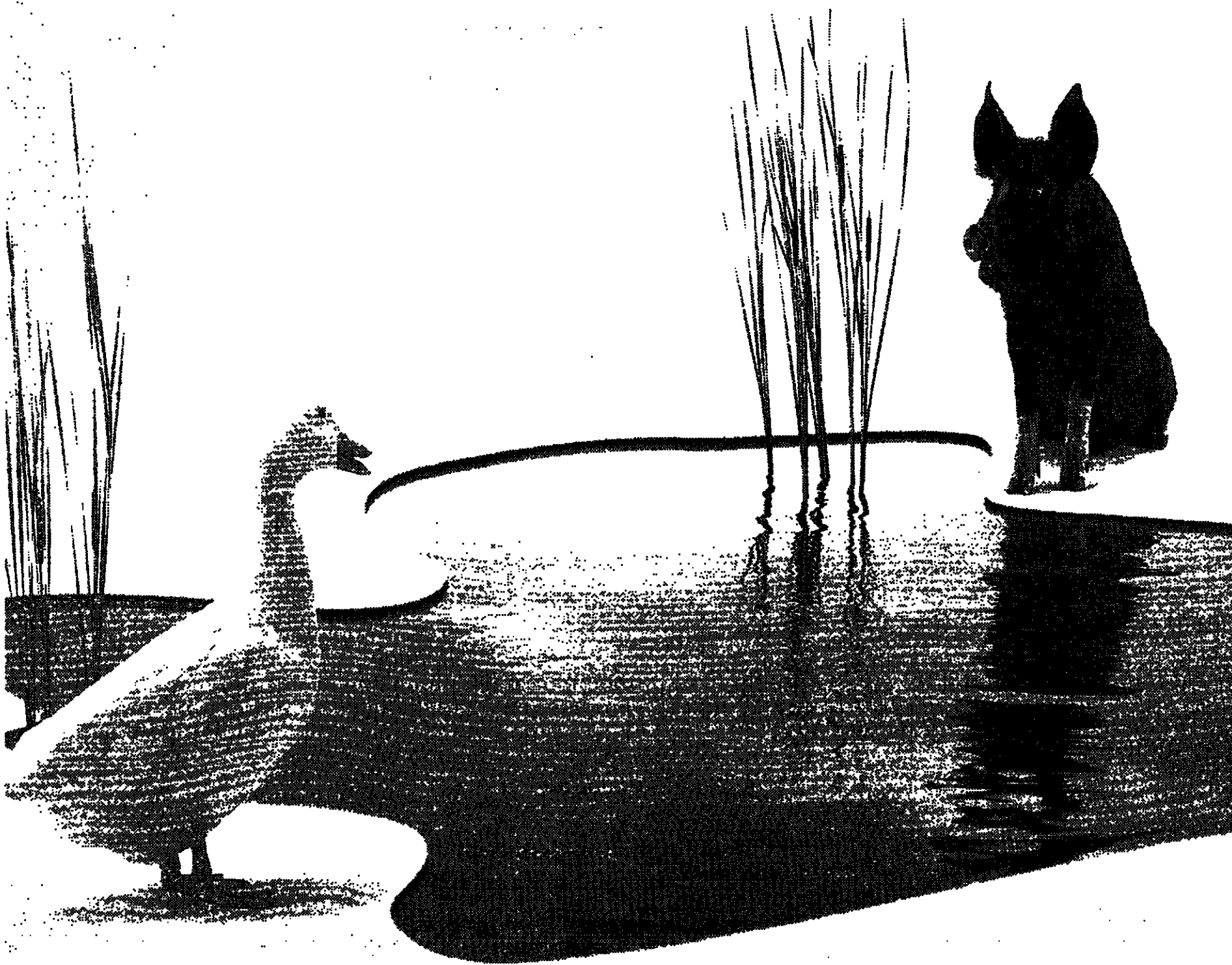
**Safeway:** frying steak £6.49 per kg, salad onions 32p per bunch, Guyot pears 49p per lb, melons 79p each, Cathedral City mature cheddar £2.79 per lb.

**Sainsbury's:** fresh beef fillet steak £13.88 per kg, Lincolnshire sausages eight for 99p, red peppers 99p per lb, Charlot potatoes £1.33 per kg, coleslaw 500g for 89p, peaches eight for 99p.

**Somerfield:** fresh pork loin steaks £4.73 per kg, topside beef 99p per ¼ lb, sweet sliced beetroot 340g for 29p, soft white baguettes three for 39p, raspberry pavlova 344g for £1.79.

**Waitrose:** boneless chicken breasts 530g for £3.49, spinach 250g for 69p, peaches eight for 99p, honey tangerines 49p per lb, luxury stem ginger ice cream 500ml for £1.49.

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Claudius took surrender of 11 kings and locked Britain into imperial yoke for almost 400 years

## Legions' elephants swept all before them at Colchester

By Bill Frost

ANY guttering flame of resistance among the beleaguered British defenders of Colchester was extinguished when the Roman legions unleashed their secret weapon — a herd of armour-clad elephants trained to trample all before them.

Their military significance was limited, but to a guerrilla army pushed back relentlessly from the Kent coast to the heart of Essex over a few days in AD 43, the trumpeting animals were an apocalyptic symbol of Rome's power. The will to fight on died.

The Emperor Claudius himself was to enter Camulodunum, as the settlement was known, to accept the surrender of 11 "subdued kings" and bring barbarian nations beyond the ocean under the Roman sway. At one victorious stroke, his standing with the legions was vastly enhanced, his critics at home were silenced and Britain was locked into the structure of empire for almost 400 years.

Camulodunum was at the heart of Roman Britain for two centuries: the treasure house of items at the town's museum bears witness to the industry and sophistication of the invaders. However, there is evidence too of their contempt for the conquered Britons, their complacency and their cruelty.

The legions travelled west,

north and south after the apparent collapse of local resistance, having failed to fortify their settlement adequately. A temple was built in honour of Claudius, land was snatched from those who farmed it, punishingly high taxes were levied and many Britons were forced to wear the slave's collar.

But in AD 60-61, Boudicca, queen of the Iceni, tapped into local resentment and put Camulodunum to the sword. An estimated 30,000 people died. The temple built in honour of the deified Claudius was destroyed with many other buildings.

Surviving burnt debris from the sacking includes broken Samian pottery, other glassware, human bones, fused coins and blackened food. Colchester Museum's outstanding collection of artefacts gives many further indications of the rebels' fury.

Magnificent, perhaps unbettered, examples of military headstones commemorating those who conquered Camulodunum were knocked over and defaced by

Boudicca's forces. Although damaged, they provide extraordinarily powerful images of the age.

The stone that marked the tomb of Longinus the Cavalryman did not fare well. Not content with simply toppling the memorial, they hacked away the face of the soldier with swords and axes.

Their fury was unsurprising. Longinus, a member of a crack Thracian cavalry troop, is shown striking down a naked, cowering Briton.

The defeat of Boudicca saw the restoration of *Pax Romana* and the flowering of Colchester as a major commercial centre. Injured pride dictated a new name for the town: *Colonia Victricensis*, or Colony of the Victorious.

With security came affluence. Large courtyard houses with lavish mosaics were built; the local pottery industry flourished and suburbs appeared. Peter Berridge, curator of archaeology at Colchester Museum, describes the town as "one of the most important keys to our understanding of Roman Britain".

Among the most poignant displays comes from the cemetery at St Butt's, a 4th-century Christian church. Behind glass, the skeletons of a man and wife in their 40s are arranged exactly as they were found. The couple, thought to have died around AD 330, appear to be reaching out to each other in death.

A forensic scientist has built up the dead woman's face from a mould of her skull. Camilla, as she has been christened, has the serene look of a Roman matron confident that her way of life is safe forever.

However, at the moment of her death the empire was already fragmenting. Colchester was in terminal decline and raiders from the Low Countries and north Germany were poised to strike at the heart of Roman Britain.



Roman Colchester in AD 150 was a major industrial centre whose affluent citizens lived in some luxury

Tomorrow: London



The Roman baths, rescued by the Georgian developers whose squares and crescents prevent the excavation of other sites. Photograph: Adrian Brooks

## Invasion troops took over native spa for rest and recreation

By John Young

THE city of Bath owes its name to its greatest glory, the complex of Roman baths and ancillary buildings around the sacred hot springs of Aquae Sulis. Today they form the most popular museum to Britain outside London, attracting nearly a million visitors a year.

They are virtually the only visible remnants of the Roman city. In the 18th century, Bath was reborn as a wonder of the Georgian age and, whatever may lie under those dozens of listed squares, terraces and crescents, excavation is out of the question.

Jane Bircher, the museum's keeper of collections, believes there was probably a commercial and residential settlement on the west bank of the Avon, in what is now the Walcot district. It seems certain there are also extensive remains below the Norman abbey, a short distance from the baths.

Ironically it was the building of Georgian Bath that provided the first exciting glimpse of its Roman predecessor. In 1727, two workmen digging a sewer beneath Stall Street unearthed a gilded bronze head of the goddess Minerva. That was followed in 1755 by the discovery of part of the eastern baths during building works. In 1790, as the Pump Room was being constructed, a large area of the temple was exposed.

But it was not until a century later, in Victorian times, that the city architect and surveyor Major Charles Davis, convinced that there was much more still hidden, ordered the excavations that uncovered the Great Bath and the Circular Bath. He persuaded the authorities to buy and demolish a number of buildings to expose the finds to public view.

The Romans first reached the area — home of the Celtic Dobunni tribe — within months of landing on the Kent coast in AD 43. It was occupied as a military zone to

protect the conquered territory of southeast England. But the mysterious hot spring, and the religious significance it held for the natives, inevitably attracted the invaders' attention. They decided to turn it into a place of peace and recreation. The colonnaded temple was dedicated to Minerva, goddess of wisdom and healing. In a spirit of reconciliation, the Romans chose to identify her with the native goddess Sulis.

After the Romans left, the buildings decayed and collapsed. The Roman inheritance was supplanted by the paternalistic Christianity of medieval England, the abbey an important centre of worship where in 973 Edgar was formally crowned king.

The supposed curative powers of the waters continued to be recognised, and new baths were constructed. But hygiene was minimal: beggars, thieves, prostitutes and other low life were an unwelcome presence. The Georgians created a new splendour.

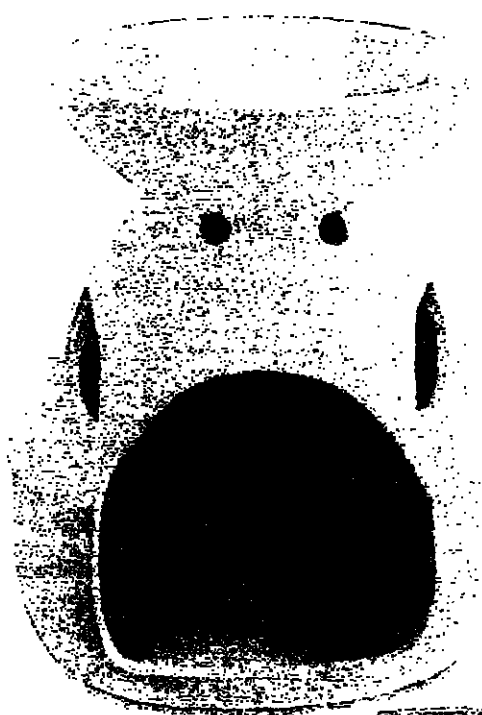
Visitors to the museum should use the portable audio-receivers: each exhibit bears a number and, by pressing the corresponding buttons, the visitor can listen to an informative commentary.

The columns that support the elevated promenade around the Great Bath, and the statues that surmount them, are 18th and 19th-century reconstructions, but create the right ambience. From here the route leads through a striking underground labyrinth in which artificial tableaux, illustrating life in Roman times, alternate with displays of the genuine remains, well lit and imaginatively displayed.

Also on view are the eastern baths, now being further excavated and provided with improved access: the caldarium, the Roman equivalent of the sauna; and the frigidarium, where overheated bodies could cool off.

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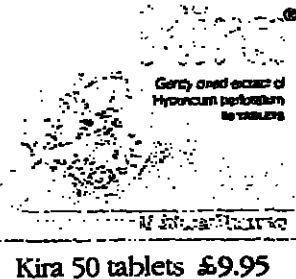
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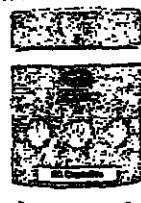
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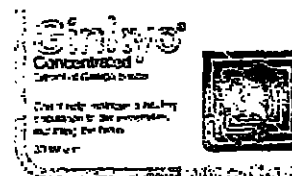
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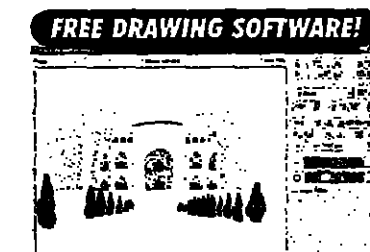
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# Nasa plans more tests to prove life on Mars

By NIGEL HAWKES, SCIENCE EDITOR

SCIENTISTS who say they have found evidence of life on Mars plan a new series of experiments to substantiate their claims.

They will be looking for cell walls and amino acids in the meteorite, picked up in Antarctica, which is believed to have originated on the planet.

"We should be able to see if these structures contain membranes, or if some of the original cell machinery is left," said Dr David McKay, of Houston Space Centre, the leader of the team.

Dr Richard Zare, of Stanford University in California, who analysed the meteorite's organic components with a laser mass spectrometer, said that he would look for amino

acids, the building blocks of proteins. That would be far more persuasive than the evidence presented on Wednesday at a press conference organised by the US space agency, Nasa. Doubts remain that the microscopic objects seen by the team were really produced by living creatures.

Nasa is clearly anxious about a backlash from other scientists over the findings, which is why it included on the press conference panel an outsider, Dr William Schopf, of the University of California in Los Angeles, who expressed scepticism.

"I would be delighted to see images that showed cell walls," he said. "I'd be delighted to see data that show that

the population of the organism is different from mineral matter. I'd also like to see some evidence of cell division." He said all the tests were possible, using electron microscopes, and should be done.

Dr Christian de Duve, a Belgian Nobel Prize-winning biologist who is an expert in the evolution of life, said he had serious reservations about the American claims.

"It is interesting. It is important. It is intriguing. But it is far from conclusive," he said. "The scientists were very cautious in saying that there could be other interpretations."

The chemical evidence mentioned has been found before on other meteorites and

never been used to claim that it is evidence of life," said Dr de Duve, the author of *Vital Dust*, a book on the origins of life. "Just because organic substances were found on a meteorite that is supposed to have come from Mars does not mean they were formed on Mars by living organisms," he said.

Noting that the press conference had been preceded by a statement by President Clinton praising US scientific skill, he asked: "Would this have happened if this was not an election year?"

It will take another year for further tests to be performed. But proof may not come until Nasa has sent another probe to Mars to bring back samples from beneath the surface, according to Dr Ed Weiler, a Nasa scientist.

Cynics may suspect that persuading Congress to provide the money for such missions had some influence on this week's announcement. That would be unfair on the scientists involved, who have too much to lose if their confidence is misplaced. But the worldwide news coverage did the agency no harm.

Dan Goldin, the Nasa administrator, said the agency "was on the path" towards sending a sample-return probe to Mars by 2005.

The meteorite at a Houston laboratory yesterday. Apparently from Mars, it is claimed to bear traces of life forms

Letters, page 17

## Meteorite prices are set to rocket

By QUENTIN LETTS

METEORITE prices are likely to become astronomical as a result of the possible discovery of past life on Mars.

Rarer meteorites, such as those from the red planet, can fetch "hundreds of thousands of dollars", one expert said yesterday. Common "iron meteorites" go for as little as 50 cents a gram (£14 per oz), and are sometimes given free to schools, but more interesting specimens go typically for \$50 (£32) a gram, and rising. Kelly

Beatty, a planetary scientist and senior editor of *Sky & Telescope* magazine, said: "There is now a rabid market for meteorites, especially among the Japanese. People see them as guaranteed to increase in value." There are about "a dozen meteorite dealers of consequence around the world", Mr Beatty said.

Some dealers will sell pieces of meteorite worked into pendants, while at the top end of the market, seven-figure sums are paid for large chunks of rock. One dealer,

Ron Farrell, told *The Wall Street Journal*: "The prices have gone to astronomical levels." One buyer was so desperate for a piece of Martian rock that he mentioned a price of \$100,000 (and the size of sample was not important).

"The huge majority of meteorites come from the asteroid belt, but the rarer ones come from places like Mars," Mr Beatty said. One of the greatest Martian meteorites, which landed in Nigeria in 1962, weighed 42lb. It was broken up and sold.

## America offline in computer crash

By QUENTIN LETTS

SIX million computer users were barred from the global Internet yesterday after an American system crashed for more than 18 hours, reducing business executives to tears of frustration and shaking public faith in tomorrow's world.

Maintenance workers at America Online (AOL), the computer "network provider", were installing new equipment in suburban Washington on Wednesday when the company's massive computer system froze. It was described yesterday as perhaps the biggest computer crash — yet.

The system, which is used by people across the world, remained inoperable until early yesterday. The blackout illustrated the extent to which an increasing number of people, the majority of them Americans, have quickly come to rely on the Internet.

Philip Rothstein, a computer disaster consultant, said: "This will have major cultural impact, likely to hit public confidence. It is like terrorism. We always think it will never

happen to us, but now it has." He added: "We are at a juncture now where whole businesses and individuals cannot function when there is a computer glitch. There is a perception that computer networks are as reliable as public utilities. There is a feeling of dependency — and frustration when something does go wrong." He predicted that, as computers became ever more complicated, the number of breakdowns would rise.

AOL provides access to a range of Internet sites and computer services, from news wires to financial forecasts, public entertainment and e-mail. Businesses linked to the system were forced to give staff a day off, and millions of dollars of income may have been lost.

Members of the public complained that they felt cut-off from the world without the service. "We had to resort to phone calls," said Gregg Armstrong, a California executive, referring to the telephone as if it were a museum piece.

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# Israeli planes bomb key Hezbollah sites

FROM ROSS DUNN IN JERUSALEM AND MICHAEL THEODOULOU IN NICOSIA

ISRAELI jets launched pre-dawn bombing raids on Hezbollah positions yesterday near the town of Baalbek, deep inside the Syrian-controlled Bekaa Valley in Lebanon, hours after Damascus rejected an Israeli proposal to resume peace talks.

The Iranian-backed movement said it had suffered no casualties from the airstrikes, which followed the killing of one Israeli soldier and the wounding of two others during Hezbollah shelling of their outpost in southern Lebanon on Tuesday.

The two Israeli raids took place just hours before the arrival of international observers to monitor a limited ceasefire between Israel and Lebanon. The first raid targeted a Hezbollah television station transmitter, which broadcasts from Baalbek, ten miles west of the Syrian border. The second hit a nearby ammunition and fuel dump, causing a huge fire.

In Israel, an army spokeswoman confirmed the raids, saying they were in response to Hezbollah firing at Israeli and allied South Lebanon Army militia posts in the past two days.

The latest round of fighting will fuel fears about the ability of the five-nation monitoring committee to ensure that both sides adhere to the limited ceasefire that ended Israel's

military campaign, Operation Grapes of Wrath, in Lebanon last April. During the 17-day onslaught, hundreds of civilians were killed, prompting international condemnation of the Jewish state.

France and the United States stepped in to broker the ceasefire, under which both sides have agreed to stop firing at civilian targets. However, the agreement did not forbid the two sides from continuing to fight within the area of southern Lebanon still occupied by Israeli forces.

Hezbollah's attacks are now as intense as they were before Operation Grapes of Wrath and 17 Israeli soldiers have been killed in the area this year. Eleven were killed after

the limited ceasefire. Binyamin Netanyahu, the Israeli Prime Minister, has promised that there will be retaliation for the attacks.

This has prompted fears in Beirut that Israel's right-wing Government might embark on a major offensive against Hezbollah, especially now Damascus has spurned the Israeli offer to withdraw its forces from southern Lebanon in return for guarantees that Syria would disarm Hezbollah.

President Assad of Syria publicly rejected the plan, known as Lebanon First, because it sidestepped the issue of an Israeli withdrawal from the Golan Heights.

While there are hopes that the ceasefire committee, which

has delegates from the United States, Israel, France, Syria and Lebanon, may defuse the situation, it is unlikely to end the fighting. The committee, which was reported to have met for two hours yesterday at the United Nations base in Naqoura, in southern Lebanon, discussed organisational topics.

Nicholas Burns, the US State Department spokesman, said this week that the Administration was "very pleased" that the monitoring committee would finally begin its work.

However, American and Israeli officials believe that the fighting will not end until there is a comprehensive peace agreement between Israel, Syria and Lebanon. This conclusion is based on the fact that Syria has more than 30,000 troops stationed in Lebanon and is the main power-broker.

While Damascus views Hezbollah's military pressure as a useful tool to exact concessions from Israel on the Golan Heights, it runs the risk of provoking Mr Netanyahu into taking action against Syria itself.

When Shimon Peres, his predecessor, was in power, Likud frequently complained that strikes against Hezbollah were being aimed at the puppet when they should have been directed at the puppet-master in Damascus.



A United Nations soldier watches over the Naqoura base where the international talks were held yesterday

## Air strike is aimed as warning to Syria

BY MICHAEL BINYON  
DIPLOMATIC EDITOR

THE Bekaa Valley has long been the battlefield in Israel's proxy war with its opponents in the Middle East. Yesterday's raid, a classic Israeli response to attacks by Palestinian or Hezbollah fighters, was intended, however, to send a signal to the country with most at stake in Lebanon: Syria.

The Bekaa, lying between two mountain ranges and

close to the Syrian frontier, has for the past 20 years been the main base for pro-Iranian Hezbollah groups. During that time it has been virtually a no-go area, housing bases and camps for those intent on attacking Israel in the south.

Beyond the reach of their ground forces, the Israelis responded with air strikes until the Syrians installed Soviet missiles in the valley. The 35,000-strong Syrian forces in Lebanon now have overall control of the Bekaa

and, with the ceasefire on the Golan — unbroken since the separation of forces after the 1973 war — the valley has become the main area of direct military confrontation between Israel and Syria. There have been tense moments when the Israelis have threatened to knock out all the Syrian missile batteries.

The Israeli raid comes at a time when Jerusalem has launched a "Lebanon first" peace initiative to get round the Golan stalemate. The Syrians, who swiftly denounced Binyamin Netanyahu's plan, are intensely suspicious of this attempt, which they see as an Israeli ploy to separate Lebanon from their control.

Although the Lebanese Government has been unable to take an independent line from Damascus, the Syrians

know that their presence in Lebanon is unpopular. Many Lebanese are itching for a settlement with Israel that would allow the country to get on with its reconstruction.

Syrian opposition is fuelled by the memory of a previous attempt by Israel to make a separate peace with Lebanon. This followed the 1982 Israeli invasion of the country and, with American encouragement, led to a short-lived peace treaty. Syria intervened, provoked turmoil in Lebanon and forced Beirut to renounce the treaty.

The Israeli air raids are, therefore, partly a response to Syria's rejection of Mr Netanyahu's plan and partly a warning to Syria that Jerusalem will not tolerate any further military attacks on its forces in the south.

## Tehran to accuse US of sabotage at world court

BY MICHAEL EVANS  
DEFENCE CORRESPONDENT  
AND MICHAEL THEODOULOU  
IN NICOSIA

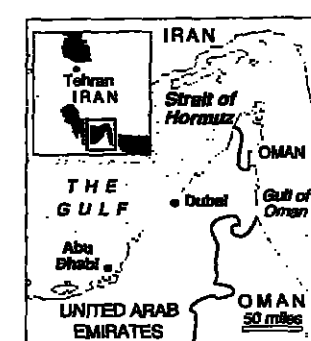
TEHRAN is to take action against America in the International Court of Justice over Washington's reported funding of covert action against Iran.

"We have prepared the preliminary grounds for our intended complaint to the court in The Hague, in particular our complaint against America's decision to allocate \$20 million (£13 million) to undermine and sabotage the Iranian state," Ali Akbar Velayati, the Iranian Foreign Minister, said yesterday in an Iranian television broadcast monitored by the BBC in Cyprus.

US officials say privately that, in closed sessions, Congress has authorised the spending in the 1996 fiscal year of about \$18 million for covert action to boost democracy in Iran. Iran initiated preliminary legal procedures on the plan in February after the Iranian parliament approved the necessary funding.

Dr Velayati also said in his broadcast that Iran would make the "insane" Administration in Washington regret any military attack on the Islamic Republic. He was responding to fresh American sanctions against Tehran and to Washington's suspicions that Iran was involved in the TWA Flight 800 disaster as well as the June lorry-bomb attack that killed 19 US servicemen in Saudi Arabia.

Dr Velayati's remarks have awakened fears of another tanker war, with the Iranians



campaigning to disrupt Gulf shipping.

The Gulf is one of the world's most sensitive waterways. The US relies on the Gulf states of Kuwait, Saudi Arabia and the United Arab Emirates for 20 per cent of its oil, carried in tankers down the narrow waterway through the Strait of Hormuz.

Iran has shown in the past that it has the ability to mount attacks on shipping in different parts of the Gulf. During the 1984-1988 tanker war, Tehran was responsible for 220 attacks on shipping. But the US Navy retains a strong presence in the region and the Royal Navy also maintains its Armilla Patrol, although now reduced to just one warship with an accompanying tanker.

Although the priority of the US naval presence is to watch over events in Iraq, the build-up of the Iranian Navy, and in particular the purchase of two Russian Kilo-class diesel-powered submarines, has posed a potential threat to the Gulf. The Iranian Navy also has two destroyers, three frigates and 38 patrol and coastal combat vessels, including some armed with missiles.

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# Russians suffer heavy losses in Grozny battle

FROM RICHARD BEESTON IN MOSCOW

RUSSIAN army units yesterday clawed their way back into battle-scarred Grozny, but came under sustained attack from Chechen rebels.

On the third day of the guerrilla offensive against the Chechen capital, three Russian armoured columns partly succeeded in regaining central districts, although the tactic was costly and indecisive.

While the besieged government buildings in the heart of Grozny were relieved by tanks and armoured personnel carriers yesterday morning, elsewhere Russian armour became bogged down by rebel fire and mines.

Again the Russians resorted to using helicopter gunships and fighter-bombers to hit suspected rebel targets in and around the city, a tactic which, according to the rebels, led to the shooting down of a Russian warplane.

As plumes of smoke rose over Grozny, Russian commanders claimed that the tide of battle had turned and that troops were conducting "mopping up" operations. Shamil

Basayev, the Chechen separatist commander in charge of the assault, responded that Grozny was under his control. He even offered to open peace talks with the Russians, saying that their security would be guaranteed.

While the war of words and bullets raged, the casualty figures continued to climb. The Russians conceded that

dreds of wounded civilians were in urgent need of evacuation for medical treatment.

For the time being, however, neither side appeared ready to give way, and in theory the current state of fighting could continue indefinitely, particularly if the rebels continue to rotate their fighters and bring in fresh ammunition. Although outgunned and out-

Grozny allow just a few well-concealed snipers to control important access routes and intersections.

For their part, the Russians in static defensive positions or travelling through the streets in armoured columns are very vulnerable to ambushes and guerrilla attacks.

The street fighting in Grozny continued to shake the political leadership in Moscow, where President Yeltsin is today due to make his first public appearance in more than a month when he is sworn into office for a second term. However, few in Moscow are giving the inauguration much thought and instead there is concern that, without strong leadership from the Kremlin chief, the fighting in Chechnya could intensify.

President Yeltsin's spokesman said yesterday that, as soon as the inauguration ceremony was over and his new Government approved, the Kremlin leader was expected to begin a long holiday to recover his strength.

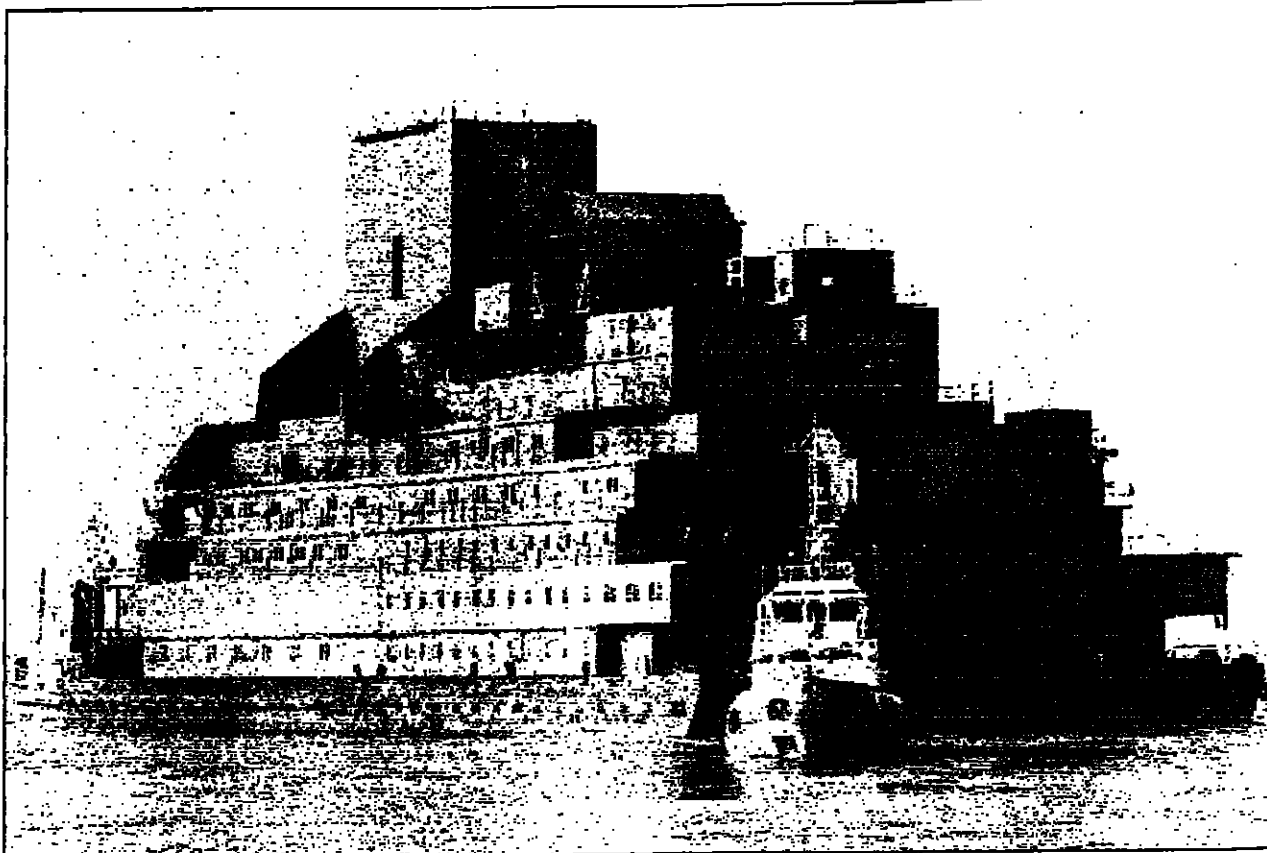
**‘Chechens know the backstreets and can take cover in a warren of wrecked buildings in the city centre’**

during the three days of fighting 70 soldiers had been killed and nearly 300 injured, half of them Interior Ministry troops. Among the dead was Lieutenant-Colonel Andrei Skatsev, commander of an armoured column ambushed entering the city.

Although no accurate figures exist for rebel losses, the International Committee of the Red Cross said that hun-

numbered by the Russians, the small fighting units of 20 to 30 Chechen fighters are ideally suited for the type of urban warfare currently being waged.

The Chechens know the city's backstreets, generally have the sympathy of the local population, and can take cover in the warren of wrecked buildings in the city centre. The long straight roads in



An old supply station for Russian ballistic submarines sets off on its final journey from the German port of Bremerhaven to be broken up in the Turkish port of Izmir yesterday (Thomas de Waal writes).

## Last voyage for colossus

est from different foreign investors since the break-up of the Soviet Union. But it ended up unwanted. The station spent 18 months in Bremerhaven while the Lloyd Werft shipyard worked on plans to move it back up the Baltic and turn

it into a floating hotel on the quays of St Petersburg. But the project ran into financial trouble and eventually Turkish businessmen bought the 100-yard-long colossus for £210,000. Now it will become scrap in Izmir. The Russian Arctic Fleet is seeking ever

more inventive methods of coping with its great financial problems.

While it tries to maintain ageing submarines and surface vessels, it is also seeking funds to deal with the many wrecks off the Russian coast, many of which are feared to be in danger of leaking radioactive waste into the sea.

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## Chirac gives Juppé a break

FROM BEN MACINTYRE IN PARIS

PRESIDENT CHIRAC yesterday invited Alain Juppé to join him for a weekend at his holiday retreat in Provence, a public show of support that will come as an intense relief to the much-criticised French Prime Minister.

Over the past week M Chirac has held consultations with numerous political heavyweights, including several of M Juppé's rivals, fuelling speculation that he might be planning to drop the Prime Minister or reshuffle the Cabinet.

M Juppé's conspicuous absence from the presidential guest list put pressure on the franc and prompted officials at the Hôtel Matignon, the Prime Minister's office, to issue an official statement saying that rumours of his departure were "absurd".

Last year, M Juppé visited M Chirac at the fortress of Brégançon off the coast of Provence, which has been the presidential summer residence since 1968, but this year M Chirac waited until yesterday, the very day he was leaving on holiday, to announce that M Juppé could come too, albeit briefly.

The issue of whether or not M Juppé would join the President on holiday has preoccupied political observers for days. As *France-Soir* reported: "The absence of such a visit would give the impression that Alain Juppé and Jacques Chirac have nothing else to say to each other. On the other hand, if the Prime Minister goes to Brégançon, one might think that it is in order for Jacques Chirac to warn him of his impending sacking."

It is evident, though, that when M Juppé and M Chirac get together at Brégançon for the weekend of August 24-25, neither will be in a particularly jolly holiday mood. At the very least, M Chirac's meetings with such notables as Edouard Balladur, the former Prime Minister, Charles Pasqua, the former Interior Minister, and Alain Madelin, the former Finance Minister - who have all openly criticised M Juppé - indicate that the President is determined to unite the ruling coalition regardless of his Prime Minister's sensitivities.



Cruise: targeted as a Scientologist member

## Anti-sect picket at Cruise's new film

FROM ROGER BOYES IN BONN

ANGRY young Germans yesterday picketed cinemas throughout the country to protest against the involvement of Tom Cruise, the American actor, with the Scientology sect.

The protests - organised by the normally placid youth wing of Helmut Kohl's Christian Democratic Union - are a token of the growing political pressure in Germany against Scientology, which has been actively recruiting.

Paul Stefan Mauz, a Christian Democrat member of parliament, claimed yesterday that Cruise was a "high-ranking" Scientologist and that, as the leading actor and co-producer of *Mission: Impossible*, he was likely to swell the coffers of the sect.

Herr Mauz is trying to persuade the Government to restrict subsidies to cinemas that show films starring known Scientologists. The Christian Democratic youth wing took up the cry and is picketing many of the 600 cinemas showing *Mission: Impossible*.

"We want to fight the sect and not cinema-goers as such," said Burkhard Remmers, the regional chairman of the young Christian Democrats in Lower Saxony.

Renate Rennebach, a Social Democratic deputy and opposition spokeswoman, argued that a film boycott "made a great deal of sense" if it emerged that the film was partly financed by the sect. However, she said it was wrong to boycott the film simply because Cruise is known to be a Scientologist.

## Barbecue on the farm for anti-beef Germans

BY ROGER BOYES

MORE than 50 per cent of Germans have cut beef out of their daily diet or are eating it less frequently because of "mad cow disease", according to an opinion poll published yesterday.

To counter the boycott, German farmers are throwing barbecue parties throughout the country, with only token fees being charged for prime, grilled chunks of German sirloin.

The Allensbach Institute found that 38 per cent of Germans now eat less beef and 15 per cent have given it up altogether. A further 5 per cent are vegetarians. Most importantly, 58 per cent of

German women say they have reduced their beef consumption, making it clear that Germans have turned against beef in a big way.

The revolt is mainly concentrated in industrial regions and cities: in the Bavarian countryside beef consumption is still relatively high, partly because consumers know the farmers who supply local butchers.

Most German butchers now state in posters from which farmers they buy beef and mutton. Large announcements in supermarkets pledge that the shops do not stock British meat and that all dairy products are German.



## Right rides high as Dole heads off abortion squabble

FROM MARTIN FLETCHER IN WASHINGTON

BOB DOLE has finally averted a damaging battle over abortion at next week's Republican convention, but the unmistakable message sent by a week of ugly infighting is that hardline social conservatives now control the party.

Late on Wednesday Mr Dole brokered a deal under which pro-abortion Republicans abandoned their threat to force a floor debate on the party platform's call for a constitutional amendment banning all abortions. In return, their attempts to soften the abortion ban will be recorded in an appendix.

Dole aides and the Governors put the best face they could on this arrangement, but Religious Right leaders dismissed it as mere "window-dressing", and there was no disguising the fact that they had inflicted a humiliating defeat on their party's presidential nominee. To capture the White House in November, Mr Dole simply must win over millions of moderate suburbanites, especially women, who strongly oppose an outright ban on abortion.

In June he issued a "non-negotiable" demand that the platform prominently include a "declaration of tolerance" recognising the divergent views on abortion in the party. Last Monday the conservative-controlled platform-writing

committee rejected that "tolerance" declaration and — to the Governors' dismay — Mr Dole capitulated.

Pat Buchanan, Mr Dole's primary challenger, was so pleased with the platform's strongly conservative tone on abortion and other issues such as affirmative action and immigration that Bay Buchanan, his sister and campaign manager, said he might endorse Mr Dole this weekend.

Further underscoring the Right's dominance of the party, three anti-abortion candidates this week defeated pro-abortion rivals in Republican senatorial primaries in Georgia, Michigan and Mr Dole's home state of Kansas.

President Clinton accused the Republicans of the same "extremism" on abortion they

showed during last year's budget battles. Joe Lockhart, the Clinton campaign spokesman, said the Republicans had proved themselves "an intolerant party".

A New York Times poll yesterday dramatically illustrated what an uphill battle Mr Dole now faces. With less than 100 days to go, he trails Mr Clinton by 30 points in a three-way race with Ross Perot. By 46 per cent to 39, respondents also said they would back Democrats over Republicans in November's congressional elections.

The Dole campaign has been banking on three events to rescue their candidate. The first was Monday's unveiling of his economic plan, but the media largely dismissed his call for massive tax cuts as a sign of desperation.

The second will be the unveiling of Mr Dole's running mate, probably on Saturday. He could have transformed the race had he persuaded Colin Powell to run. As it is, there is no other obvious contender capable of electrifying the electorate.

Finally, there is next week's convention in San Diego, but the goal of presenting a united face to the nation has been somewhat undermined by the abortion row.

Leading article, page 17

### Democrats gain ground in poll

Washington: The Democrats could regain control of Congress, lost two years ago to the Republicans, according to a CBS News/New York Times opinion poll yesterday. Fifty-five per cent favoured the Democrats and 46 per cent the Republicans. President Clinton led Bob Dole by 56 to 34 per cent. (AFP)

## Troops ready to stop Cape Town vigilante war

FROM INIGO GILMORE IN JOHANNESBURG

TROOPS from South Africa's National Defence Force were mobilised yesterday for deployment in areas of Cape Town that have become potential flashpoints between warring drug gangsters and vigilantes, as the Government attempts to restore public confidence in the security forces.

The risk of an escalation in fighting has increased after the ill-fated murder of a taxi driver on Wednesday night. Faizel Rykief, an anti-drugs vigilante, was shot by four men wearing balaclavas who had ambushed his minibus taxi. Two other people were injured.

The Hard Livings gang had given a warning earlier this week of retaliatory attacks on Muslims and had threatened to kill children and burn down mosques. This followed the murder on Sunday night of a notorious Cape Town gangster, Rashad Siagie, who was set alight and shot by a mob of Muslim vigilantes from People Against Gangsterism and Drugs (Pagad).

A hundred policemen from the Rapid Response Unit were deployed in Cape Town yesterday and another 200 members of the Public Order Policing Unit in Pretoria were put on standby. "A clear message must be sent that we have no intention of abdicating re-

sponsibility to fight all crime," said George Fivaz, the National Police Commissioner.

Pagad clearly enjoyed community support, he said, adding that it was not too late to eradicate the drugs problem and gangsterism within the framework of the law. Pagad leaders yesterday accepted his offer of talks and will meet him in Cape Town tomorrow.

President Mandela, meanwhile, hinted at the introduction of tougher measures to deal with crime. "In a couple of days the people of South Africa will see exactly how seriously the Government takes crime, especially in the Western Cape," he said.

Simultaneous pre-dawn raids were launched yesterday on gang strongholds in three Cape Town suburbs, during which petrol bombs, firearms and stolen property were confiscated. Police in Cape Town are also to investigate incidents where Pagad members brandished weapons in public, in defiance of firearms legislation.

This weekend Pagad members plan to march to houses of alleged drug dealers and there are fears that, even with the presence of large numbers of security personnel, a bloody confrontation will again explode on the streets of Cape Town.

## Tide of protest over new Seine bridge

FROM BEN MACINTYRE IN PARIS

LIKE a bridge over troubled water, the first crossing to be built over the Seine for 25 years opened in central Paris yesterday and was immediately swamped by protests.

Just hours after its official unveiling, the Pont Charles de Gaulle, which spans the river between the Gare de Lyon and the Gare d'Austerlitz, was blocked by demonstrating bank workers, creating huge traffic jams.

The Socialist Party and environmental groups yesterday criticised the structure, which they said would increase traffic and pollution in the capital. Others have pointed out that the bridge does not link the major arteries on either side of the Seine and

thus will do little to ease congestion. The bridge is the thirty-seventh to be built across the river in central Paris.

Pont Charles de Gaulle was doomed to cause controversy since it was first conceived ten years ago under the late Socialist President, Francois Mitterrand, but named in honour of his arch-rival by Gaullist Jacques Chirac when he was Mayor of Paris. Opponents claim that the bridge cost at least £100 million to build, although city officials say the price was one-third of that amount.

The bridge's sleek design has been widely praised, however. The simple concrete and steel structure, originally designed by the architects Louis Arretche and Roman Karsinski, who both died before it was completed, is some 220 yards long and incorporates two lanes of motor traffic travelling in one direction, as well as a bus lane, a cycle lane and a pedestrian walkway.

The protesters, from Credit Foncier, claim their jobs are being threatened by government plans to merge the property lender with a state-owned bank.

### WORLD SUMMARY

## 'Traitor' in Khmer Rouge

Hong Kong: Cambodia's Khmer Rouge guerrilla group has suffered two potentially devastating blows (James Pringle writes). Khmer Rouge radio announced yesterday that the top aide to Pol Pot, the ruthless leader rumoured to have died two months ago, was a traitor, while the Cambodian Government said two generals of the group had defected to its side with 3,000 men, half the guerrillas' fighting force.

The radio accused Ieng Sary, the rebels' foreign affairs expert, of embezzling £10.4 million. It said: "Ieng Sary is a traitor." The defections were announced by Hun Sen, Cambodia's Co-Prime Minister.

### Police to quiz Jakarta leader

Jakarta: Megawati Sukarnoputri, Indonesia's pro-democracy leader, will submit herself for police interrogation today while the formidable national security machine confronts what the Government regards as a new "communist-type" threat from a new urban underclass (Christopher Thomas writes). The Government is determined to intimidate and today's exercise is designed to unseat her and to send a warning to pro-democracy activists not to go too far.

### U2 spy plane crash kills two

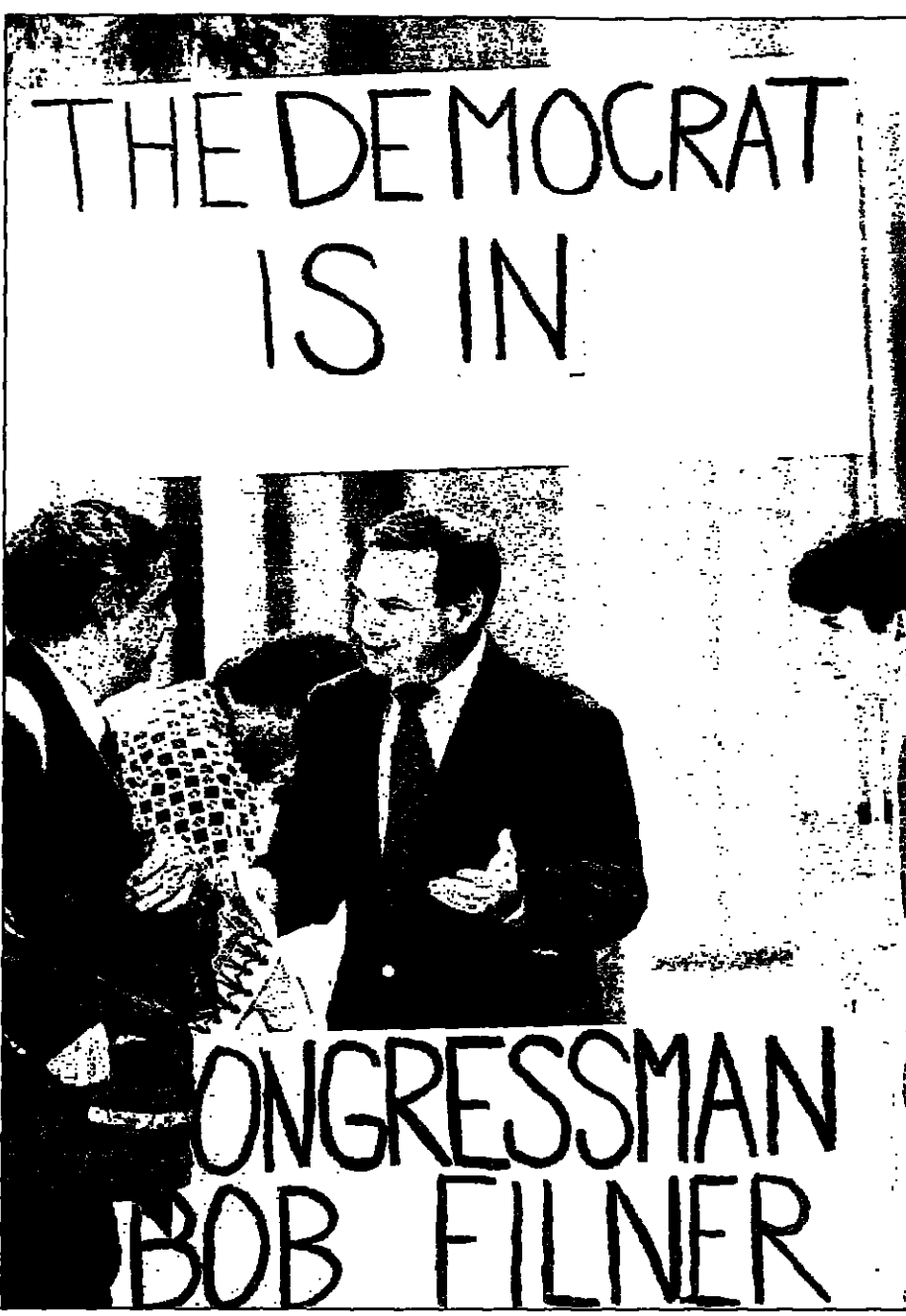
Los Angeles: More than 40 years after its first flight, an updated U2 spy plane has crashed in northern California, killing the pilot and at least one civilian (Giles Whittell writes). The U2, on a routine mission, crashed in a car park in Oroville after spiralling to the ground for nearly a minute. The pilot is said to have ejected and opened his parachute, but he died before reaching ground.

### Tamils keep up fierce resistance

Colombo: Long-range battles raged in northern Sri Lanka for the fifth consecutive day as Tamil guerrillas kept up a ferocious counter-attack to defend their political headquarters, the military said. A spokesman said the rebels admitted 182 dead, while government forces put their own casualties at 48 killed and 67 seriously wounded. (AFP)

### Bear's victim

Tokyo: Michio Hoshino, an experienced wildlife photographer, was mauled to death by a brown bear in the Russian Kamchatka Peninsula, where he was working on a television nature programme. (AP)



Bob Filner, a San Diego Democratic Congressman, sets up his stall outside the city's Civic Centre, venue of next week's Republican convention

## TWA crash cargo included turtles and bowling alley

FROM QUENTIN LETTS IN NEW YORK

LIVE turtles, a large consignment of decorative gold glitter and an un assembled bowling alley were among freight on TWA Flight 800 when it crashed last month into the Atlantic off Long Island after leaving New York.

Other cargo included Japanese shop tills, AIDS blood samples, US State Department documents and oxygen tanks. Such tanks were also in the hold of the ValuJet DC9 that came down this summer in Florida. There is no suggestion, however, that such tanks caused the TWA crash.

It was not certain yesterday why the turtles were being transported across the Atlantic, but they were unlikely to have escaped death. The laboratory samples of HIV-positive blood were going to French scientists as part of an AIDS research experiment.

The gold glitter, packed in bins and weighing several hundred pounds, was of the type used at children's parties and for Christmas decorations. After the explosion, which happened as the Boeing 747 was climbing to cruising altitude, the glitter covered many parts of the plane.

The cargo was packaged by a number of airline freight companies whose workers have been questioned by investigators. The crash cause has still not been announced, but an accident remains a slight possibility, beside terrorism. Investigators have recommended that the engine

fuel motors of other jets be inspected for corrosion. After the recovery of a 75ft section of the right wing, some 30 per cent of the jet has now been retrieved.

The medical examiner for Suffolk County, in Long Island, said that most passengers died instantly because of extreme spinal trauma from whiplash. Such was the "sledgehammer-like" change of pressure and speed after the explosion, said Dr Charles Wells, that the spine, "the master-cable of the body", would be snapped.

"You have a drop in barometric pressure, doing 400 miles an hour and now a drastic change in velocity and direction. So the head is a huge weight on the body and is subjected to great forces, forward and backward, and that is going to cause damage to the spinal column and the brain stem."

Some victims were officially listed as having drowned, but in many cases that was probably a reflex action of already lifeless bodies ingesting water, he said. The majority of victims would have known nothing as they hurtled towards the ocean.

Police divers were yesterday trying to work out how to lift two of the jet's engines from the seabed. Parts of a third engine were also discovered, and crash investigators will examine them to see if their workings were disrupted before the crash.

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David Dimbleby on the chilling family row that has divided a nation. Would Gerald be better off dead?

A slightly stooping but not frail man with a kindly face and twinkling eyes is amusing his grandchildren, or perhaps they are making an effort to amuse him. First he clings to the back of an aquabike as his grandson shows off a few smart turns. Then he is encouraged to slide down a plastic chute. He slips and instead of sliding, jumps awkwardly into the water and comes up laughing. The grandchildren also laugh and splash him. But on the terrace above the jetty, his wife watches him like you watch over a child unable to take care of itself. It is only a few weeks since he came back to live with her, after a five-month absence while the courts argued whether he was safe in her care or whether she was plotting to have him put to death.

Gerald Klooster (pronounced Close-ter) is the son of a vegetable seller from Indiana. His father put him through college where he qualified as an obstetrician. While there he met Ruth, who became his wife. Her father was a Dutch immigrant who settled in New Jersey and went into business. Ruth clearly thinks her background is superior to that of Gerald, the man she is accused of wanting to kill.

They lived at first in Grand Rapids, Michigan, but moved to California in the mid-1960s. In Castro Valley outside San Francisco they built a long, ranch-style house which looks across the valley to the mountains on the horizon. A notice on the door reads "Welcome to our friends". The sitting room and kitchen are reminiscent of a Swiss chalet, paneled in dark wood with decorative baskets hanging from the beams. Two teddy bears as big as people occupy an entire sofa facing the blank screen of a vast television set.

Beyond the kitchen the house changes character. There is a formal drawing room and dining room with antique furniture, silver-plated trays and candelabra, and oil paintings in gilded frames. This immaculate room is the creation of someone who sets great store by appearances, by presenting a picture of neatness and order, elegance and harmony. It is Ruth's creation and, if you believe her son Chip, it gives a clue to her character and helps to explain why he felt forced to kidnap his father to prevent his untimely death.

Gerald Klooster is a welcoming but slightly distracted host. He smiles and shakes hands and says: "Good to see you." And when you leave he says once again: "Good to see you. Come back soon. Everything's fine." But these meaningless courtesies are like the words foreigners learn from their phrase books. In between it is impossible to hold any rational conversation.

Mr Klooster was diagnosed as a sufferer from Alzheimer's six years ago. Now he is seriously ill, not suffering physically but incapable of the simplest actions.

He cannot wash or dress himself. Chip thinks his mother is ashamed of his father's illness because she is selfish and shallow. "She wants the status of a doctor's wife, pearls and mink and a Lexus 400."

Ruth tried to prevent anyone knowing about Gerald's illness at first, covering up for his increasing forgetfulness. When it became obvious that he was ill and the strain of looking after him became too much for her, she decided, Chip says, to end his life.

At this point the story becomes murky. The family disagree about the motives behind Ruth's actions, although the practical steps she took are not contested. She contacted Dr Jack Kevorkian, or "Dr Death" as he is popularly known, who lives near Detroit, Michigan. Dr Kevorkian's specialty is assisted suicide. He has invented a machine which allows his patient to administer poison to himself in sufficient quantities to die.

Chip Klooster says he first

# The woman who wanted to end her husband's life



Ruth Klooster (above) admits contacting "assisted suicide" specialist Dr Jack Kevorkian. Her husband Gerald (right) has suffered from Alzheimer's for six years

realised that his mother was contemplating Gerald's death last September, when his parents came to stay with him in Petoskey, a small town on the shore of Lake Michigan. Chip, like his father, is a doctor and works at a clinic which specialises in treating spinal injuries and the physical effects of strokes and brain damage.

But Chip had made one break with family tradition which his elder brother claims may have led him to act in a way that has destroyed the family and brought them close to bankruptcy. The Kloosters were all brought up in the Protestant faith. They worship in the Christian Reformed Church and are disdainful of Roman Catholicism. Chip broke ranks when he married Mary, a Roman Catholic. He now worships with her at the Catholic Church of St Francis and, according to his brother Curt, is as much under her thumb as he once was under his mother's.

Chip's version of the drama is simply told. When his parents visited him, his mother revealed that she had joined the Hemlock Society to find out about assisted suicide. Mary and Chip told her that she should abandon the idea. It would be murder. His mother said she had to explore all the options because his father's condition was worsening. If he was to die by assisted suicide, it had to be done while he was still well enough to appear to have taken the decision himself, so that it would "look like suicide". She urged Chip and his family to come over to California for Christmas because it would be "Dad's last Christmas". He would not be alive

for his 69th birthday in January this year.

Chip's first reaction was to contact the rest of the family in California to persuade them to force his mother to give up her plans. One brother, Craig, a 41-year-old chiropractor, is a supporter of assisted suicide. But the other children who, like Chip, oppose it, were not convinced that their mother would go through with it. They thought Chip was being over-dramatic.

Chip, in fear for his father's life, went to court in California to ask that he be made his father's guardian. The family were thrown into turmoil.

The date of the hearing was fixed for December 1 last year, but before it there was a family conference. It was agreed that Ruth would abandon any further attempts at contacting Dr Kevorkian and seek counseling, while they waited for the case to come to court. But according to Chip, his mother, far from being restrained, now saw the court hearing as the deadline for her plan to succeed. If she waited until the court case, she might find her husband declared of unsound mind, in which case those who assisted in his death would risk facing charges of homicide.

In November last year, Ruth took Gerald on holiday to Tampa, Florida, to stay with some old friends, Joe and Teresa Rodriguez. The Rodriguezes were suspicious. They say that Ruth had already

asked them to help her to obtain lethal drugs back in the summer and was still badgering them when she came to stay in November. Their suspicions were confirmed when they discovered that instead of planning to fly directly to San Francisco at the end of the visit, Ruth had booked her husband and herself on a flight to Detroit. She had reserved a room in a hotel and had arranged an appointment with Dr Kevorkian. Ruth does not dispute this.



Chip Klooster in conversation with David Dimbleby

The Rodriguezes warned Chip in Michigan about the suspicion that his father's life might be in danger. The following day, Chip flew down to Tampa. He rented a car at the airport and drove to the Rodriguezes' house. He had decided to abduct his father but, to carry out his plan, he had first to distract his mother. At a prearranged moment agreed with the Rodriguezes, Chip's wife called from Detroit and asked to speak to Ruth. According to Ruth, Chip's wife launched into a long explanation of how Chip and she were

planning to drop the court case for custody of Gerald. With Ruth distracted, Joe Rodriguez led Gerald out on to the porch and into Chip's car. It is a sign of Gerald's confusion that he accepted without demur both his son's unexpected arrival in Florida and his invitation to go for a midnight drive, all without saying a word to his wife.

Ruth claims that either the Rodriguezes or Chip had drugged Gerald to make sure he went quietly. She remembers coming off the telephone to find Gerald gone and Joe Rodriguez rather limply explaining that he had been abducted by a gang of four men, possibly including Chip. Chip drove east to Orlando and at two in the morning, checked into a motel. He told his father that next morning they would take a flight to Michigan in order to "straighten things out". According to Chip, his father replied: "OK. That sounds real good."

It is hard to believe that Gerald genuinely acquiesced in the abduction. He responds: "OK. That sounds real good." to almost any friendly proposal, whether he is asked if he would like to go for a swim, or have lunch. He shows no sign of understanding any proposal or deciding on any course of action. As long as a proposal is made gently and by a face he knows, he is inclined to accept it. Yet the family constantly make claim and counter-claim about his intentions based on this one-phrase response.

Ruth claims that Gerald had clearly indicated his preference for assisted suicide in the past when they discussed the prospect of living life "in a bed, just lying there. We don't believe in that. I would say that we both believe in assisted suicide." She admits that she contacted Dr Kevorkian to explore that option and that she had arranged to go to Detroit to consult him, but will not say whether Dr Kevorkian would have offered help, or whether she would have agreed to accept it. "I don't think we can say what could have happened or would have happened."

On November 20 last year, two days after his arrival with his father back in Michigan, Chip went before Judge Frederick R. Mulhauser, who granted him a temporary order pending a full hearing of the case. What followed was a prolonged legal wrangle in which the Californian Kloosters flew to Michigan to ask for their father back, and the courts in Michigan and California disputed who had the right to decide Gerald's fate.

Judge Mulhauser was in no doubt that Chip should have custody of Gerald. He accepted that Ruth was a danger to her husband; that she was acting "in subterfuge" to promote her suicide plans for her husband and would not be dissuaded; that she was a determined, strong-willed woman who would see that her mission was accomplished, a mission "to end her husband's life because she believed it was the right thing to do".

He accepted that, apart from Craig, all the children were op-

posed to the suicide plan but accused them of being too trusting in their mother's assurances that she meant no harm to Gerald. Only Chip was able to act with "sufficient effectiveness", the only one of the children "not willing to trust to luck to protect their father".

During the next five months, while the lawyers argued, Gerald stayed in Michigan at Chip's house, going regularly to a day-care centre. Chip says he was happy there, but the Californian Kloosters dispute that, claiming Chip would not even let them speak to their father on the telephone. In the end the legal costs he was incurring and the pressure from the Californian court, which demanded Gerald's return to his home state, became too much for Chip and he reluctantly relinquished his guardianship. It was agreed that Gerald would live with his daughter. His wife would have visiting rights.

On April 10 this year, Curt, the eldest son, flew to Michigan to take Gerald back to California. In June the Californian court allowed Gerald to go back to live with his wife. There are, however, two conditions imposed: that even if euthanasia becomes legal in California, Gerald will not be subjected to it. And that in the event of his death, whatever the circumstances, an autopsy will be performed on his body.

Gerald is now likely to live out his natural life. Neither Ruth nor any doctor can countenance assisting in his death. "I am certainly not going to jail for this," Ruth says. His son Craig argues that his father is now "condemned to live this disease out". Chip is still understandably suspicious: "My father is back with my mother, who intended to end his life. I don't think anything has really changed."

Except of course, the Klooster family, Chip, who Judge Mulhauser said was the only one willing to act to save his father, is estranged from his brothers and his sister. He has no contact with his father, who shows signs of distress if Chip's name is even mentioned. His mother is angry that "Chip has put it in the public's mind that I am a murderer. I am not a murderer. It's very hurtful that this child would even say that." She claims he had a baser motive, that he wanted to secure custody of his father so that he could lay claim to half the estate, using it to pay for Gerald's care but leaving enough to fund his own life as well.

On the morality of euthanasia, the Klooster family is divided. On the damage the battle has done, united. The relationship with their younger brother is destroyed. Both sides face legal bills of several hundred thousand dollars and both have adopted an American solution: to sell the book and television rights to the story to cover the debt. Meanwhile Gerald, back home, lives in a world of his own, wandering about the garden obsessively dead-heading the pansies and humming to himself, increasingly oblivious to the drama he has lived through. And Ruth, denied the one exit she had wanted to explore, faces the prospect of a husband lying in a bed with no intelligence left to think with.

It is only one family's story. But since it began last September, the courts have declared assisted suicide with consent legal in more than a dozen states. The rulings are to be challenged in the Supreme Court but if the change in the law is upheld, Chip Klooster is unlikely to remain in the record books much longer as the only son in US legal history to seek custody of one parent to prevent the other arranging a death.

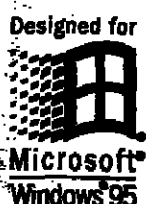
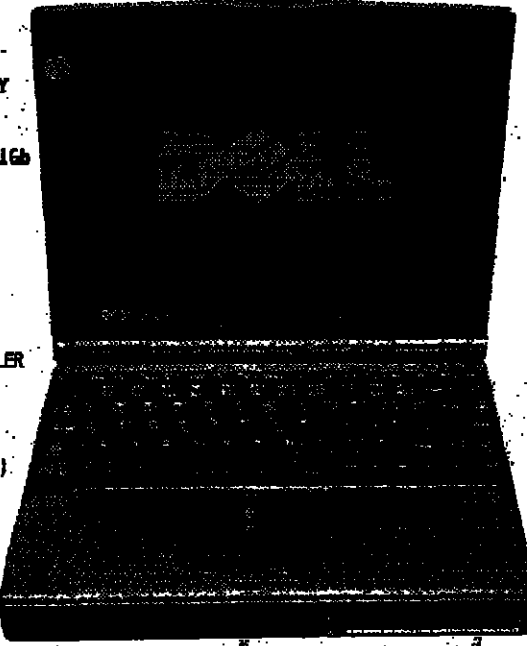
● The Klooster story is recounted in a BBC2 series on the consequences of ageing presented by David Dimbleby, *Staying Alive*, on Sunday at 6.50pm

'My father is back with my mother. Nothing's changed'

'Chip has put it in the public mind that I am a murderer'

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# 'I long to be a shopkeeper again'

THE  
VALERIE  
GROVE  
INTERVIEW



The last time Tim Waterstone had a bright idea, bookshops in Britain were changed for ever. Now he has had another...

Having transformed the face of bookshops, Tim Waterstone is about to revolutionise another market: small children. He has had eight of them, from three marriages — "my whole life has been spent bringing up children" — but has not yet managed to stay married through the children's teens. "It's always been my fault," he says, "and always hideously painful."

But now he has a young wife, Rosie, a television director 25 years his junior, who makes films for *The South Bank Show*. She is the daughter of Michael Alison, MP, and niece of the late Barley Alison, who ran Secker & Warburg's Alison Press and gave legendary parties. Waterstone waxes lyrical about being in one's late fifties with daughters aged two and three ("Lucky they're not boys: can't imagine playing football at 70"). As with novel-writing — he publishes his third this week — he hopes to get it right this time.

His new idea struck him when he observed how parents take their children on weekend money-spending expeditions "largely out of guilt", and he thought: why not make it fun?

Hence "Daisy & Tom": the first two branches will open this year. The name is nothing to do with Derry & Tom: Daisy is his youngest; Tom is his partner's small boy. They will be "gorgeous, theatrically-designed" emporiums, twice the size of a big Waterstone's. They will have children's books, toys, stationery, clothes (own-brand Daisy & Tom label), shoes, hairdressing and a white-and-chrome soda bar copied from one he saw in Chicago: "A small child's idea of heaven: formal waiters, milk shakes in tumbling colours, jars of cookies, everything luxurious, with a slightly old-fashioned, retro feel. And no pop music."

Parents who trail their infants from Mothercare to Early Learning Centres to Toys R Us, and queue for shoes on the fifth floor of department stores, will bless him for

putting it all under one roof. "It happens in America, but it's a bit downmarket. There won't be anything downmarket about us."

It is the exhilaration of Waterstone's that he misses. The chain that bears his name now belongs to the WH Smith empire, but it was he who made bookshops chic, cornucopian and welcoming.

He dismisses George Steiner's prognosis about books going out of style among the screen-crazed young. "I just don't believe it. I shouted for joy when *The Bookseller's* editorial last week said let's all stop this 'novel is dead' thing, stop talking about CD-Roms and get on with selling books. People's need for stories is as strong as ever. Just go into Waterstone's in Hampstead on a Sunday afternoon."

Well, yes. We were there last weekend. My son wanted a book, amazingly, for his thirteenth birthday: *Van Gogh's Letters*. The assistant could not say whether they had it; she suggested he look in Biography, but could not advise him whether to look under V or G. A small local bookshop instantly ordered it.

Waterstone groans. "I hate stories like that. I still feel guilty. I prayed that Waterstone's culture would survive, but I'm not sure it will." Last week he was invited to lunch by Smith's chief executive, Bill Cockburn, late of the Post Office. For advice? "I'm not sure. Smith's has got itself into the most dreadful mess. But that's hardly an original remark."

When he was at Sinclair Stevenson, he says, they published a new William Boyd novel: typically, Smith's ordered just 200. "I said to the then chairman, 'Look, this is ridiculous: Boyd sells 25,000 in hardcover, he's extremely good and popular. So they changed the order to 2,000. And three months later we had 1,800 of them back — still packed in their original boxes.'" (All publishers tell such stories: the point being that you have to put books out on display in order to sell them.)



Tim Waterstone: planning a chain for children of "gorgeous, theatrically-designed" emporiums three times the size of a big Waterstone's, complete with Chicago-style soda bar

Waterstone's rule was that bookshops need a wide, reliable and inventive stock. "Some books will sell five copies a day, and some five a year — but it's no good having just 50 titles. The mark of a real bookshop is when your daughter has 24 books on her A-level reading list, and finds at least 23 of them in stock."

Other booksellers complained bitterly when Waterstone began. "He'll never sell that many," they muttered. "We broke the rules," he says. "We ordered heavily, piled them high, and publishers backed us with extended credit: we jettisoned the received wisdom of bookselling, and proved that stockholding bookshops really can work financially."

"Everyone does it now. This all sounds very self-satisfied, but it did work. It was good for new fiction in the heady 1980s. And meanwhile, instead of competing with Waterstone's, Smith's board were taking bets on how soon we'd fold. That was their very expensive mistake."

The double irony of Waterstone's life is that he was once a corporate man at Smith's (after Tonbridge and Cambridge, where he read English), and it was being acrimoniously sacked by them in 1981, after he'd started an American operation that lost money, which propelled him into his rival operation.

"This story sounds wildly apocryphal, but when Simon Hornby fired me, he walked out of my office in New York saying 'I really couldn't care less what you do now', and then put his head round the door again and said musingly, 'I suppose we'd prefer it if you didn't open a chain of bookshops'. And I sat at my desk and thought, 'My God, that's what I'm going to do. I'd always hated corporate life. I like making my own decisions.'"

So when he sold Waterstone's to Smith's seven years later it seemed an astonishing volte-face.

"Well, we were a venture capital company, and we were creatures of the 1980s. The company (though profitable) was steeped in debt, the high

street in 1989 looked perilous. So when Simon Hornby made his offer, Waterstone succumbed to the irresistible millions. "I was keen to steer Waterstone's into a harbour, and Smith's promised it would survive, guaranteed to open new stores and keep the format. So I knew the idea I'd started would live. It's still financially very strong. I have no regrets even now."

The bookshop of his childhood was The Book Club in Crowborough, run by the enterprising Miss Santorio, who would drive out in a van to sell books. "Such energy! My older brother and sister

and I never had any money, but Miss Santorio would let us sit on the floor reading for hours."

But he has no sympathy for the small bookseller. "I had the most foul press from people like Ian Norrie, of the High Hill Bookshop in Hampstead. I never returned fire, though I longed to do so. Look, when I started Waterstone's we had nothing but borrowed money and a damned good idea and a desire to see it work. And the reason it worked was that we were better. The local bookshops were there before us, but they just didn't go for it with verve."

One Waterstone's idea that worked was authors' evenings. On Wednesday this week, Waterstone was in the Manchester branch (its manager, Robert Topping, is "the best bookseller in the world") talking about *A Passage of Lives*, his new novel about four survivors of Buchenwald.

"I always longed to be Jewish," he says; he is, in fact, a devout High Anglican who attends All Saints, Margaret Street. "My mother was so deeply anti-Semitic it brought out an intense desire. I'm also attracted by the outsider, and have a horror of the insider."

He writes fast — a book a

year so far — discarding two thirds of the first draft, struggling, like many well-mannered public school men, with the problems of "doing women well" and failing, he says, to get sexual passion on paper. "I so wanted to write a love story about an older man and a younger woman, but I couldn't do it. Writing about sex is insulting to your partner, in some respects."

Commerce by comparison looks more propitious. "But I am not a conventional businessman," he declares. "I just love shopkeeping, as long as it's my own idea, and I long to be a shopkeeper again."

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## Lost and found



SIGN OF THE TIMES

by Giles Coren

FORREST E. Mars, the inventor of the world's most famous chocolate bar, must be turning in his grave. Unless, of course, he is 92 and turning in a comfy chair in his living room. For whether he is more or less alive than the smudge of hydrocarbon currently under examination at Nasa is by no means certain.

It is a bizarre twist in the tale of one of the world's most reclusive men that, while we now suspect there was life on Mars, the planet, we do not know if there is any life left in Mars, the man. At any rate, to the patriarch of what was once the world's richest family, who has seen the company he built toppled by Hershey as America's largest sweet-maker, the discovery must look like the advertising coup of the century.

The planet Mars has not had so much attention since Orson Welles's infamous *War of the Worlds* broadcast in 1938 — when the chocolate company was only six years old — and the fortuitous coincidence that identifies the chocolate with the planet could, if treated right, mark a reversal of company fortunes.

Despite such unimaginative past slogans as "Mars are Marvellous" and "There's a meal in a Mars", the company has had a go. Full pages in a number of newspapers boasted: "E Mars e dar nulpis phu hurg, relp onl snay."

Not very funny. Copywriters at the top agencies came up with some much better suggestions yesterday. Al-

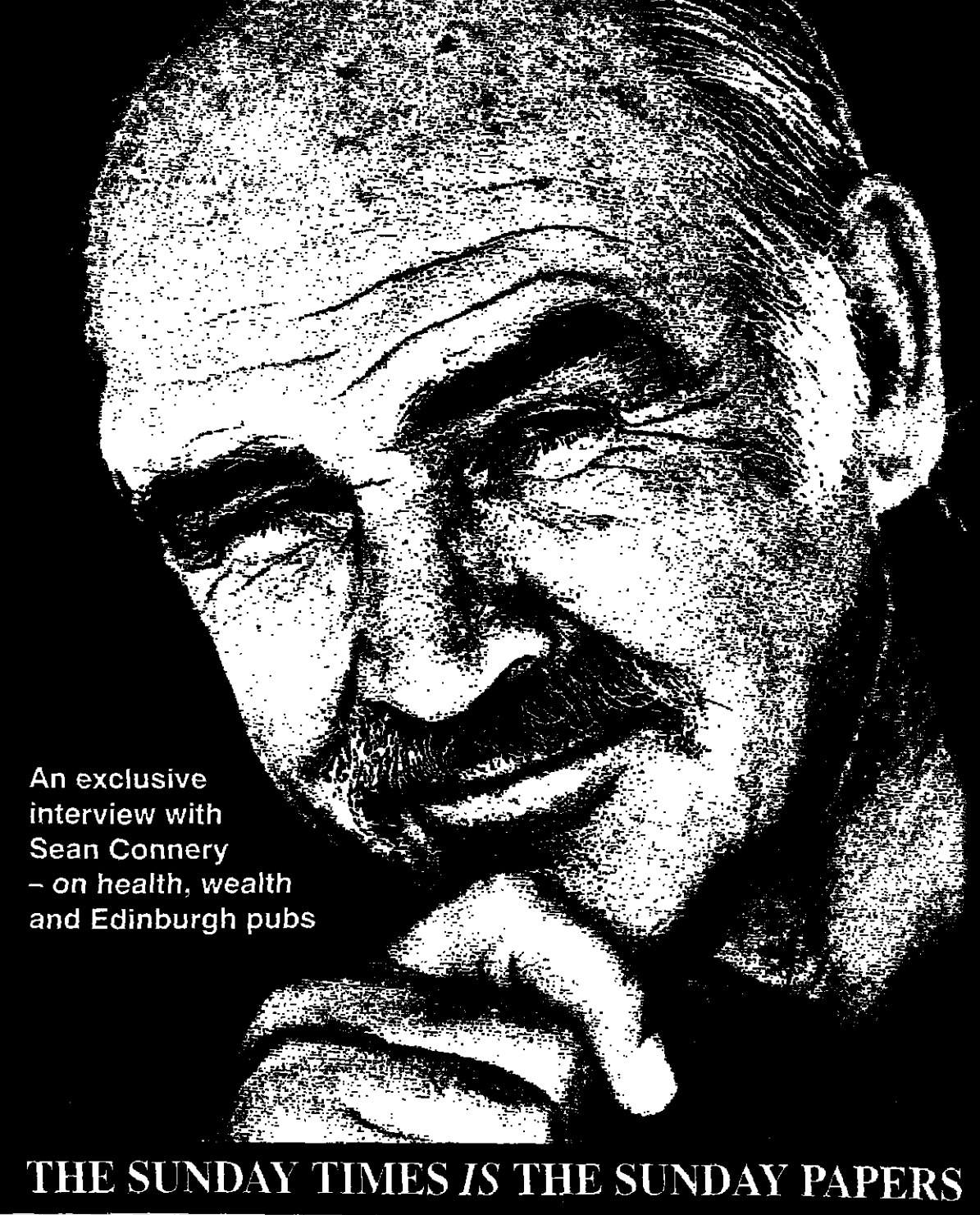
though none would be named for fear of accusations of smugness. "Why not claim that this thing they found is, in fact, the world's oldest Mars Bar?" suggested one. "It's the 3.6 billion-year-old choocy." Another proffered: "Get a life... on Mars." Yet another suggested a chunk of chocolate with the line: "A bit of Mars that won't take you 16 million years to find."

It is possible, however, that none of these would have tickled Forrest, who was so religious that he made his son, Forrest Jr, kneel in business meetings and pray for the success of Milky Way and Snickers. It is highly unlikely that he would have countenanced the idea of life on any planet other than God's Earth — and thus missed his chance.

MARS claims that Forrest Sr, who left his Minnesota home in the 1930s with his father's recipe for Milky Way to set up a company in Slough, and modified the bar to create the confection and company we know today, is alive. But a story in the *Indianapolis Star* on January 2 suggested otherwise.

As the odds on intelligent life being found in space shorten by the day, those on discovering Forrest Mars lengthen. He has not, at any rate, been seen in public since 1987. But that, as the microfilm made clear, is no guarantee of the absence of life. If there were ever a time for the original man from Mars to show himself, it is now.

## THE SUNDAY TIMES RETURN OF THE NATIVE



An exclusive  
interview with  
Sean Connery  
— on health, wealth  
and Edinburgh pubs

THE SUNDAY TIMES IS THE SUNDAY PAPERS



## Philip Howard



### Four fours, plus three fives. Yes, but what's the magic?

God delights in odd numbers. For so say Virgil, Shakespeare and others with a more direct G-mall than the rest of us. But what is the mystery of the number 31? Professor Raymond Hyde of Oxford University (gritty field of physics and earth sciences) raised this question in a letter to the Editor. The question is why do so many languages and cultures use 31 as a numerical idiom for the top, *le plus ultra*?

In French, *être sur son trente-et-un* means to be all dressed up in one's Sunday morning best, dressed up to the nines. In Italian, *questo fa trentuno* ("and that makes thirty-one") means the calculation is correct. AOK. A strong expletive (telling someone to go away) heard in the Arabic-speaking world is *rianda-ena*, the Greek word for 31. So what is the secret of 31?

The English are generally better at obfuscation than sums. International surveys find that not just Japanese and French, but Korean and American children are years ahead of British children at maths. British Telecom is about to change our telephone numbers again, even though 12 digits allow them to provide everybody in the UK with 20 individual telephone numbers. More logical countries with bigger populations, such as America and France, manage to work with shorter phone numbers that are easier to remember.

And the English are significantly silent on the mystery number, apart from the verse we need to remind us of the number of days in the month. *The Facts on File Dictionary of Numerical Allusions*, by Laurence Urdang, has entries for numbers from absolute zero to googolplex and infinity (if that were a number). But which for 31? "Thirty" includes the "Thirty Years' War", the "Thirty Years' Truce" and the triangler with 30 oars. "Thirty-two" notes the double-bourdon, the lowest stop in an organ, of 32-foot pitch, piquet and écarté with only 32 cards, and the number of permanent teeth expected in the normal human mouth. Magical or problematic numbers such as seven and nine have hundreds of entries.

You do not ask such questions in *The Times* without getting ingenious replies from the world's greatest experts in useless information. See opposite. I shall be disappointed if we do not receive 31 incompatible explanations of 31. But here is a modest start. *Se mettre sur son trente-et-un* is a colloquial idiom for getting all topped up in one's best kit. Like much idiom it is a homophonic pun or misunderstanding. *Trente-et-un* is a corruption of *trentain*, a very fine cloth. *Petit Robert* defines it: *un drap de luxe dont la chaîne était composée de trente centaines de fils*.

A similarly satisfying corruption is an explanation of the equivalent English idiom of "dressed up to the nines". Folk etymology explains the phrase as dressed up to *then* *eye* "to the eyes". To which the answer must be, "pull the other one, it's got nine bells on". Burns was fond of the phrase. "Twad please me to the nine." "Thou paints auld Nature to the nines." So chronology demolishes the regimental explanation of the phrase: "the 99th's sartorial perfection at this time [c.1850] gave rise to the expression 'dressed up to the nines' as, the other regiments in Aldershot were constantly trying to achieve the same standard of 'spit, polish and bullshit'. So ingenious, so persuasive, but so wrong by a century.

The problem of 31 will be unlocked in *The Times* soon, I trust, as rhyming slang, Spoonerism, gambling, or a reference to *trente et quarante*, another name for *rouge-et-noir* (in which 30 and 40 are respectively winning and losing numbers). Perfection is possible only in maths, because in spite of Fermat's Last Problem (I claim him for his joke) maths is designed as a tautological system. But few of us can handle tautologies as brilliantly as Srinivasa Ramanujan, the Indian mathematician. His publisher and admirer G.H. Hardy, the Cambridge mathematician, visited him in Putney. "I had ridden in a taxicab number 1729, and remarked that the number seemed to me rather a dull one, and that I hoped it was not an unfavourable omen. [Even especially] mathematicians are superstitious." "No," he replied, "it is a very interesting number: it is the smallest number expressible as the sum of two cubes in two different ways." I could read Ramanujan on 31.

A man who reveres a genocidal killer has misunderstood everything about life that is worth knowing

# Murder most foul, as in the best it is

A gloomy subject today, I am sorry to say, with not even a giggle somewhere to lighten the burden. I chose my subject from a very deep well of evil, and before my readers say that they don't want any more such matters I do assure them that the evil is so remarkable that I sat up with a bang when I learnt of it. Truly, the story is not the story, but the amazement it gives off.

Try speaking this sentence aloud and don't peep at the answer: "He was my hero. He still is. He will remain one of the greatest men of our time." Well? Winston Churchill? De Gaulle? Harry Truman? Alexander Fleming? Einstein? Frank Lloyd Wright? Give up? The man who was a hero, who will remain one of the greatest men of our time, was Adolf Hitler. And the man who said Hitler was one of the greatest men of our time was François Genoud, a rich Swiss banker, who died a few weeks ago, at 81.

Now my readers are a motley crew, which is right and proper, but I presume that none of them admires the Nazis, let alone insist that Hitler will remain one of the greatest men of our time. Of course, there are loonies in every crack and cranny, including that man who pretends to believe that there was no Holocaust, but although I will offend some of my readers, I have to say that though François Genoud stank of evil from his childhood to his grave, it is hard not to admire a man who can continue to hold such beliefs throughout a long and passionate life.

Look at the catalogue. He bankrolled groups of Nazis and of fanatical Arabs; he got war criminals out of Europe; he held Nazi money by stuffing it into Swiss banks; he gave money for the defence in

the trials of Eichmann, Klaus Barbie and Carlos the Jackal; he had already, during the war, held the writings of Goebbels and Bormann in safety; he had earlier met the Grand Mufti (equivalent to the head Nazi), he ran what he called the global war against Zionism; he had Hitler's "Political Testament" translated into many languages, and he topped it all when he shook hands with Hitler.

Mad? You could call it mad, but it is not enough to say that he was steeped in Nazism, and it seems he was no ranter or screamer like his hero Hitler. I think that if you met him (Heaven forbid) you would at first think that you had met some kind of businessman ticking off in his head which of his subordinates should have a rise; there is no reason to believe that he ever struck anybody.

And yet, and yet... what makes a man like this into what he became? It seems that in the Genoud household, the infant Genoud would certainly not have got such ideas. His father was a respectable manufacturer of wallpaper, and it would be stretching things to believe that young Genoud was so dedicated a figure, and that papa sold wallpaper so ugly, that our evil youngster was instantly turned into a lifelong Nazi. But all the signals seem to show that there was nothing crazy in Genoud. He met Hitler and shook hands, but surely that would mean something more substantial than a handshake? Of course he had been infected with the poison of anti-Semitism, but that doesn't answer the question; nothing does. It seems clear that Genoud would not kill anyone himself, but from his words I can only deduce

that he liked the thought of murder. "The thought of murder," roll those words round your tongue. Here is a man who does not shudder at such words, but feels a glow of pleasure. We, the sane majority, are brought up sharply when murder is discussed, and it is notable that when the word is used in jest ("I could have murdered him!") there is usually something in the air that immediately sours the jest.

We know and obviously understand

## Bernard Levin

that murder is the greatest of all crimes: to take a sentient being and rob him or her of life is the wickedest thing any person can do. It is said that the abolition of capital punishment in countries such as ours is due to the danger of getting the wrong man, but I think that there is a stronger element: the deep horror of taking human life. (Before hanging was abolished in Britain, I can remember the tremendous stir at the time of a hanging, hundreds clogged the pavements, banners demanded clemency, dreadful voyeurs had a good time.)

We talk of murder as though it is obvious and the punishment likewise ("an eye for an eye"), but murder is probably the most difficult crime to grapple with. Some kinds of murders, indeed, are

hardly seen to be such. In India, for instance, the law demands that an offender know the danger he might produce, which rules out a claim of recklessness or ignorance. In Japan, I gather, a murder within the family is thought of as the worst kind, and even today, in Italy, I believe mitigation rules and a passionate deathblow can be overlooked when honour is at the stake.

There can be little argument as to the horror that Shakespeare felt when murder was spoken of; he was not just shocked but longed to "Revenge his foul and most unnatural murder", and went on to describe "Murder most foul, as in the best it is, but this most foul, strange and unnatural". But darkest of all is the murder of Duncan by Macbeth:

Methought I heard a voice cry "Sleep no more! Macbeth does murder sleep" — the innocent sleep,

Sleep that knits up the ravell'd sleeve of care, The death of each day's life, sore labour's bath,

Balm of hurt minds, great nature's second course, Chief nourisher in life's feast —

We are now in a world in which murder is almost trivial, so frequent has it become. But that frequency is not just a matter of numbers. Nor is it a matter of brutality, though I think that meaningless savagery has risen very greatly. The truth is that murder is slowly merging into "ordinary" crime. But murder is not an "ordinary" crime, and any country that begins to believe that it is has begun sliding into the void.

Yes, yes, there are terrible wars going on, and when those terrible wars are over, other wars — just as terrible — will break out in turn. But I am not talking

about countries in which murder is just as frequent as pickpocketing. I am not quite old enough to remember "Murder, Inc." — the clusters of American gangsters who killed for money. If you wanted a man killed, the price was fixed and the man was no more. There was a ladder: if you wanted a man maimed, a man robbed, a man threatened... there was a price at any level.

I am, however, just old enough to remember the break-up of "Murder Inc." — which had a group who turned informer, and "grasped" on the killers. It is said that nearly a hundred gangsters were put behind bars.

But now? I return to the difference — the difference between murder and all other crime. Some would say "What's the difference?" some would admit there's a difference but say it doesn't matter. But it is a big difference, and it does matter. It matters, of course, because in every crime but one, the crime can be rectified.

But that is not the point. The point is that if we believe, or even begin to believe, that murder is only a different kind of crime from bank robbery, say, we shall turn the human creature into just another ordinary creature.

Let us come back to where we started. We saw a rich man — a cultured, knowledgeable, intelligent man — whose only apparent wish was to admire and almost revere Adolf Hitler, and to follow him. He shelved out much of his money in keeping the flag of Hitler flying, and when Hitler shot himself in the bunker, Genoud, sad but not giving up, hauled out the precious documents — Goebbels's diaries. What a waste of a human being! If, indeed, he was one.

### Anthony Howard argues that Labour's leader sometimes must give Short shrift

In trying to draw a line under his recent falling-out with Clare Short, Tony Blair has behaved with both prudence and discretion. By taking her on in the first place — and he was, after all, the aggressor in demoting her from Transport to Overseas Aid last month — he badly underestimated her appeal to the electorate. Short is a prickly woman (I once had a notable run-in with her on a TV programme called *After Dark*), and she may not be rated very highly by all the male wisecracks at Westminster, but her place in the hearts of the British public is secure. Rightly or wrongly, she is widely perceived as that rare phenomenon, an honest politician who dares to speak her mind.

Of course, the British public can be wrong. It had much the same feelings in the 1960s about George Brown, and few of his colleagues would have recognised the public's impression of him. But unlike the wayward Brown, Clare Short, despite her previous "form" under Neil Kinnock, has always had the makings of a team player.

No one who watched her demolish Liz Davies's appeal at last year's Labour Party conference against her failure to secure endorsement as a parliamentary candidate can be in any doubt about that. And Blair might well have been thought to have owed her one for taking on that particular piece of dirty work.

But, alas, within a month she had blotted her copybook, in the eyes of the politically correct, by presuming to say much the same things about soft drugs as had been officially recommended in a Home Office report (by Barbara Wootton) almost 30 years ago. Fresh from their squalid and unsuccessful campaign at the Littleborough and Saddleworth by-election, Peter Mandelson and his army of night creatures were in no mood to permit such impure thoughts to be ventilated.

Yet it is precisely because the electorate detects in Short a refusal to be



silenced — by the "thought police" or anyone else — that it feels affectionate towards her. When she admitted the other day on the BBC's *Today* programme "Of course, I was hurt by the way I was treated", she may not have been reflecting the normal inhibitions of the politicians' trade union, but she was at least speaking as a fully paid up member of the human race.

What Blair may well not have reckoned with is how powerful a counter-puncher she would prove to be. Her interview in this week's *New Statesman* is a particularly skilful example of how to check the boss without risking real trouble.

Unselected "advisers" always have a rotten time of it in politics (ask Gerald Kaufman or Marcia Falkender), and it may be that in making them — "the people who live in the dark" — the

principal objects of her scorn, Short selected altogether too easy a target. She was probably much nearer the mark in what she had to say about the dangers of political parties deliberately seeking to cut themselves off from their pasts.

It is a trick that may work temporarily (witness Clinton's election four years ago in America), but it usually brings havoc in its wake (witness Clinton's record in office ever since). In any event, as David Hare's 1993 play *The Absence of War* made only too clear, it is a singularly dangerous device for a supposedly idealistic party to rely upon. It was when Neil Kinnock began not just to look but to behave like a bank manager in 1992 that all the *elan* went out of Labour's campaign.

The one point on which Short seems to me less than fair is in her attempt to depict Blair himself as having fallen vic-

tim to the temptation of assuming a macho personality. When he took over, he was — we are told — "a fresh, young, principled and decent man"; now those who are determined to force him to look very strong "are making him less attractive than he is".

Here Short simply ignores the special difficulty of being a Leader of the Opposition, especially one leading the Labour Party. It has been Labour's misfortune always to appear to be "the silly party" of British politics, with its heart in the right place but its head all over the shop. To inspire confidence in the electorate, a Labour leader simply has no choice but to give the impression of being capable of knocking heads together.

That is by no means a necessary guide as to how he will turn out to behave as Prime Minister. No one could have given an impression of greater strength

than Harold Wilson in the 21 months he spent as Leader of the Opposition before coming to office for the first time in October 1964. Yet no one, equally, could have turned out to be a weaker or less determined Prime Minister. For my money, Blair has certainly over-egged the pudding in never losing an opportunity to suggest that he is the natural heir to Margaret Thatcher. But at least I can see — or at least I hope I can see — why he does it. He needs to persuade the public that the Labour Party, too, can deliver the smack of firm government.

Here, it may be, lies the real moral of the whole Short imbroglio. Clement Attlee, Labour's first post-war Prime Minister, was a man of few words, but they were usually sharp ones. On one occasion a not notably successful, elderly minister was required to present himself at No 10 for the ritual sacking interview. When the grim news was broken to him, he tried to put the best face he could upon it. "I quite understand, Prime Minister," he bravely murmured, "you need a younger man." Attlee, though, was having none of that. "No," came the tart retort, "not younger, just abler."

My own belief is that the sub-plot of the recent Short drama concerns what happened earlier in the summer over Labour's much-vaunted plans to bring the privatised railways back under public control. Not to put too fine a point upon it, despite press conferences and all the rest, the Opposition ended up by making a total hash of it — the only doomsday weapon it managed to bring out of the locker being a veiled threat that it might not be prepared to renew the present franchise-holders' licences at the end of seven years. It was a display that, not surprisingly, intimidated no one (least of all the franchise holders).

Since I dare to believe that Tony Blair will turn out to be a far tougher and more radical Prime Minister than most people yet suspect, my own guess is that he drew his own conclusions from that entire episode and resolved there and then that he had no alternative but to change Labour's transport spokesman (who had already anyway so badly fallen out with her number two, Brian Wilson, that the two of them could no longer work together). As a decision, it may not have said much for his political fingertips but at least it bodes well for his ultimately turning into a tough Prime Minister.

## All ungnome

IN THE moonlit cool of the Kensington Palace gardens, the Princess of Wales is not alone. A smiling garden gnome has appeared mysteriously among the flowerbeds.

The new guardian of the hydrangeas appeared from nowhere to take up position in the staff garden within the grounds of the state apartments. On first sighting it, senior officials of the Historic Royal Palaces, gawped as though choking on spiked kippers.

After the gawping came spluttering then bawling, and in time an inquiry was launched. The gnome, it was decided, was not only vulgar but completely out of keeping with the rest of the estate. When the occupants of a residence include the Princess of Wales, Princess Margaret, Princess Alice and the Duke and Duchess of Gloucester, however, one cannot simply remove things before finding out how they arrived.

Simon Thurley, curator of the Historic Royal Palaces, was locked in meetings yesterday and unable to throw light on the mystery. But he was said to be livid. "He was doing his npt," said an awestruck

palace insider, struggling to describe Thurley's rage. "The taxes were flying backwards and forwards like missiles. But the gnome is still there at the moment. No one knows whom it belongs to."

● Winners of Cowes Week's most prestigious award, the Britannia Cup, had to make do with an egg



A new royal favourite?

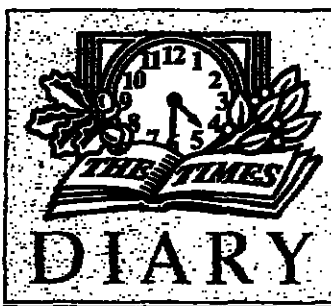
cup worth 62p. An angry Bill West, the marketing director of sponsors Skandia Life, which was hosting the award, said: "The Britannia Cup sits in the Royal Yacht Squadron five minutes down the road. But they adamantly refused to lend it to us for the ceremony so I popped to Woolies for the next best thing."

### Yoof anthem

NEW LABOUR'S tireless wooing of the youth vote is set to move up a gear with talk that the pop band Oasis are to record a political anthem to see the party through the next general election. Earlier this year the hairy Mancunian brothers at the heart of the band, Noel and Liam Gallagher, declared at the Brit Awards that there were only half a dozen people in the Earls Court Arena doing anything for young people — the band, their manager and Tony Blair.

It is thought that an adaptation of the Oasis song *Champagne Supernova* might be in order: "Campaign Supernova".

● This week's New Yorker sees President Clinton talking about his sporting career while a Rhodes Scholar at Oxford. Interviewed on



Air Force One en route to the Olympics, Clinton says: "If I wasn't overweight, I was slow, and I wasn't in good shape... What I really liked was rugby. I remember we played one of the Cambridge colleges. I got a mild concussion. There were no substitutions in rugby, so our coach told me to go back in. I asked what I was supposed to do since I was dizzy. He said, 'Just get in somebody's way'... I think it's a terrific game. I just loved it."

### Squawker

PARROT squawks have been disturbing the judicial calm of Harrow Crown Court this week. The culprit A Lesser Sulphur Crested Cockatoo, known as Primrose. The rare bird, valued at £1,700, was

called into court when a man accused of receipt of the stolen creature tried to convince the judge that it was not stolen, but was instead his own bird called Billy. For Judge Barrington Black, the books at this point were useless.

The case rested on the issue of identification. Was the bird the stolen Primrose or another bird belonging to the accused called Billy? Judge Black wrestled with some hard decisions. Was it hearsay when the parrot said "Hello Primrose"? (It was not.) Should there be an identification parade with other parrots? (There should not.)

The jury convicted and the ac-



cused comes back next week for sentence. He has been warned to expect some bird.

### High jinks

IN THE Highlands yesterday, drams were downed and 500 clansmen dispersed to the winds at the end of the biggest gathering of the Macphersons since the Battle of Culloden in 1746. A week of drinking, flinging and caber-tossing marked the 50th anniversary of the Clan Macpherson Association, at Newtonmore, ancient home of the clan.

Despite being routed in the tug-of-war at the local highland games as comprehensively as they were under Bonnie Prince Charlie, a rollicking time was had by Macphersons from as far afield as America and Malawi. "We had a very dramatic entrance from about 35 Macphersons from Spain," said Sir William Macpherson of Cluny, chief of the clan. "They gave us 20 minutes of flamenco."

### Lady's fan

HEADQUARTERS of the Baroness Thatcher fan club (Siesta Branch) would seem to be the Spanish Ministry of Culture and



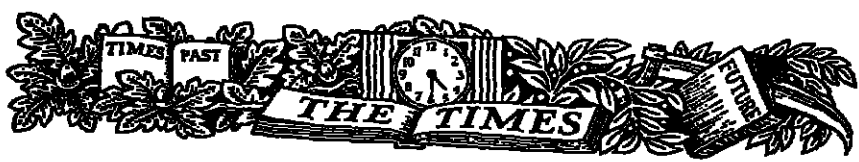
Aguirre Thatcherite

Education. Esperanza Aguirre, Spain's grant-chopping minister, has just said that Lady Thatcher's memoirs are her favourite bedtime reading. She swaps favourite Thatcherisms with her deputy, the cultural secretary Miguel Angel Cortes, a man for whom privatisation is an almost indecently pleasurable thought.

Pedro Almodóvar, Spain's leading film-maker, is deeply concerned. "Imagine the state of her subconscious," he says. "It freaks me out to think of the vibes she gets from reading these memoirs."

P.H.S





## POOR CLARE

Ms Short has harmed Labour, but may have helped the voter

Clare Short has done Tony Blair one favour. Any doubt that he was right to demote her has been dispelled by her words in the *New Statesman*. She used an interview to deliver a self-indulgent attack on Labour's leadership. Her comments will win her no sympathy from those working towards a Labour victory. But they may earn her the gratitude of voters for dragging Labour's divisions into the daylight.

Ms Short has always been an unlikely Cabinet minister. Even if her attempts to censor Page 3 of *The Sun* and her suggestion that the USA was guilty of "state terrorism" can be excused as the enthusiasms of youth, her recent conduct cannot. Her unguarded comments on cannabiz and taxes, and her maladroitness as Shadow Transport Secretary all betrayed a woman ill-equipped for the responsibilities of high office. It is easy to understand why Tony Blair demoted her to Shadow Overseas Aid Minister.

He may, after reading her interview, wish he had gone further. She compares Mr Blair unfavourably with his "intellectually secure" predecessor, John Smith. She accuses unnamed advisers of suppressing Mr Blair's principled self to make him a "macho man" and she says Labour may lose because it appears so keen to do anything to win.

Ms Short may think that by blaming advisers for Mr Blair's mistakes she is not attacking the leadership. If she is really that naive she should never have gone into politics. Mr Blair is not the plaything of press officers. He is responsible for the approach Ms Short so deprecates. Her comments are a direct attack on his leadership. Having been elected to the Shadow Cabinet she cannot be de-elected but Mr Blair would be more than entitled to make an example of her in some other way.

That Mr Blair has not says something about Ms Short and the truth of one of her observations. Ms Short, for all her indis-

pline, indeed very possibly because of it, has a secure place in the affections of the public — not unlike that enjoyed by the former Tory minister Alan Clark. They are two candid politicians who genuinely do what most affect to and say the unsayable. Moreover, Ms Short displays a femininity at once assertive and attractive. Mr Blair's personal popularity is believed to have suffered for demoting her. A further humiliation might have won Ms Short more sympathy and Mr Blair more unpopularity.

There is another reason why Mr Blair cannot deal too roughly with Ms Short. In her interview she disparages the suggestion that new Labour is a new party and claims that "most of the people" in the party are "old" Labour. That is not entirely fair. Mr Blair has increased his party's membership by a third since being elected leader. His success in changing Clause Four suggests the majority of members support modernisation. But Ms Short is right in one crucial respect. The membership of the Parliamentary Labour Party remains resolutely "old": 218 of them voted for her in the Shadow Cabinet elections, ensuring that she came third. Harriet Harman, a weaker vessel perhaps, but the model of a moderniser, came nineteenth.

If Mr Blair wins the election then many of those on his coat-tails will be of like mind. But a significant section of his parliamentary party will still side emotionally with Ms Short. MPs quiet now for fear of prejudicing victory will find their voices. Ms Short and the MPs who voted for her in such numbers did not join a party dedicated to low taxes, private enterprise and assertiveness abroad. It is not surprising that they should be uncomfortable at finding themselves in a party that claims to support all three. By letting the voters feel her pain now, Ms Short may have alerted them to the dangers they may face in the future.

## DOLEFUL PROSPECT

The Republicans are pulling their house down around them

As Bob Dole ponders his dwindling chances of getting through next week's Republican Convention without a vicious floor-fight between the anti-abortion and pro-choice wings of his party, ominous portents have reached him from his home state, Kansas. There, and in Georgia and Michigan, dogmatic opponents of abortion have swept the board in this week's clutch of Republican primaries for House and Senate seats. The losers include Sheila Frahm, the woman appointed to replace Mr Dole last June.

Party managers are trying to portray these results as proof that the great conservative themes of small government, lower taxes and "traditional values" that won the Republicans control of both Houses of Congress two years ago retain all their vitality. It proves nothing of the kind, because none of these ideological issues was in contention: the single decisive factor was abortion.

For Mr Dole, these are straws to break an already overburdened back. The resurgent militancy of anti-abortion Republicans threatens his every attempt to carry his campaign to the heart of mainstream suburban America. It is not enough to lead a conservative party in a country that is now profoundly conservative, if that party insists on tearing itself to shreds before the voters' eyes. Both at the grass roots and nationally at San Diego, activists of the Religious Right seem careless of the electoral risks of replugging the party in the factional warfare that it escaped in 1994, when Newt Gingrich's *Contract with America* united most Republicans on a platform with broad popular appeal.

In June Mr Dole thought for a moment that he had come up with a "broad tent" formula that would, by giving both sides a symbolic victory, bring some decorum to the San Diego convention. The Republican commitment to a constitutional amendment banning all abortion would stay in the

platform, but it would be balanced by a "declaration of tolerance" for those Republicans who dissented. The Religious Right rapidly let him know that this was a fight that they were bent on winning, even at the cost of losing him the election. He backtracked in haste, with the result that both moderate Republicans and those of the libertarian Right have risen in arms, vowing to take the battle to the floor at San Diego.

For America, this represents a remarkable reversal of party roles. It is the Democrats who traditionally have been riven by factions and in thrall to special interests, constantly juggling with demands by ethnic minorities or organised labour that the Government intervene to guarantee their participation in the American dream. Republicans, by contrast, were united by a conservatism that abhorred both big government and extreme positions, emphasising the virtues of individual responsibility and of a political climate in which the State gave citizens the widest possible freedom to manage their own affairs. In this they claimed to reflect the true instincts of "ordinary Americans".

The rancour over abortion is more damaging to the Republicans than to the Democrats because it challenges this distinctive Republican reluctance to bring the State into private decisions, just when President Clinton is successfully adopting conservative symbols. Republicans who argue that moral decisions, including abortion, belong in the realm of individual conscience and are no concern of government risk damnation from the Christian Coalition, which equates support for the right of choice with complicity in murder. Main-street America has rarely been more in tune with core Republican values: for Mr Dole, it is a cruel twist of fate that just as their hour would seem to have come round again, the party itself is too divided to project these values effectively.

## VIRTUOUS CYCLE

Everyone gains when travellers get on their bikes

Cycling has suffered a greater decline than any other form of transport since the horse and carriage. In 1949 cyclists accounted for 37 per cent of all road traffic; last year they constituted a mere 1 per cent. The reason is obvious: many more people now travel by car, making cycling not only less pleasant but more dangerous. The latest figures show, sadly but understandably, that cycle mileage by children fell by more than 40 per cent from 1975 to 1995. Gone are the days when children routinely went off on bike rides, villages were patrolled by bobbies on bicycles, and vicars put on their cycle clips to begin their pastoral rounds.

But this idyll is not altogether lost. Cycling has seen a revival in recent years, encouraged by a new awareness of the health benefits, a change of heart by governments battling against gridlock, and a realisation that cycles, especially in city centres, can be the quickest mode of transport. Significantly, the Department of Transport issued its first set of statistics yesterday on the state of cycling. Sir George Young, the Transport Secretary, has made no secret of his enthusiasm for two-wheelers, though he has been a little tetchy with the sobriquet "the Bicycling Baronet". But his encouragement has begun to show up in the statistics.

From 1994 to 1995 the number of people cycling to work increased by more than 5 per

cent, from 718,000 to 823,000. In the same period there was a slight increase in annual on-road cycle traffic, from 4.4 to 4.5 billion kilometres. Some 38 per cent of households last year owned a bicycle. And the number of fatal road accidents involving cyclists dropped 31 per cent between 1980 and 1990 and then every year until 1995.

Such figures are modestly encouraging. But they do not reveal the enormous way to go before Britain makes full use of the sturdy Victorian invention. By comparison with the Low Countries, Britain makes little provision for cyclists. On the Continent there are networks of urban cycleways, traffic lights are staggered to allow cyclists to get away first, parks are landscaped to accommodate cyclists and public buildings have safe lock-up racks. The cost of encouraging more cycling is small; and anything that reduces the use of cars should qualify not only for millennium money — as commendably was granted for the national cycle network — but Whitehall funds as well.

None of this entitles militant lobbyists to push their case by confrontation with motorists. The absurd demonstration in central London during the Tube strike set back the cause. Cyclists cannot "reclaim the streets": they must accept the limitations that cars impose. What they can do is lobby for safe, separate and imaginative provision.

## LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

### Has political correctness debased professorships?

From Dr Gillian R. Evans

Sir, In his article, "The title is more than academic" (August 1), on Oxford professorships and others, Professor Roger Scruton says, correctly, that the "named" chairs of Oxford (and Cambridge) have "stood like beacons above the intellectual landscape". But he goes on to confuse post with holder and tells us that those on whom Oxford has now conferred the personal title of professor are automatically to be regarded as being of the second rank in comparison with those who have occupied these prestigious chairs.

What has happened is simply that Oxford has caught up with a backlog of the unpromoted. The title of professor has become more commonplace in the swelling university system. Professor Scruton seems to imply that to make it more common in Oxford (or Cambridge) is to devalue it further. But where the standard met is as high as it has been in Oxford this year multiplication is not devaluation.

If these titles had been awarded steadily over the years as their new holders reached an appropriate peak of eminence, instead of all at once in a catching-up exercise, Oxford would not now be embarrassed by such articles.

Yours sincerely,  
G. R. EVANS,  
University of Cambridge,  
Faculty of History,  
West Road, Cambridge,  
August 1.

From Professor Emeritus  
John Radford

Sir, Roger Scruton states: "By holding on to the distinction between the university and the polytechnic, our educational system explicitly acknowledged the difference between disinterested learning and the pursuit of 'relevance'".

That distinction lasted less than 25 years and it was a structural one, concerned with governance, funding and validation. Functionally, both sorts of institution offered virtually the whole range of higher education, from the most "pure" to the most "applied". Moreover, in their origins as profes-

sional training schools for law, medicine and theology, universities provided precisely relevant learning. A quite modern and arguably false dichotomy between the two has bedevilled educational policy for too long.

Yours faithfully,  
JOHN RADFORD,  
University of East London,  
Department of Psychology,  
Romford Road, E15 4LZ,  
August 2.

From Professor Emeritus  
David Lowenthal

Sir, Roger Scruton blames the debasement of British academic titles on creeping American egalitarianism (feminism, football, political correctness). His own tenure there should have spared Scruton two egregious errors: that every American university teacher is a "professor", and that every student can get a degree.

In fact many, if not most American academics are mere "instructors"; and a much larger proportion of students there fail to gain degrees than in Britain, where little beyond gross moral turpitude can deprive one of at least a pass.

Yours sincerely,  
DAVID LOWENTHAL,  
56 Crown Street,  
Harrow on the Hill, Middlesex,  
August 1.

From Professor J. W. Norris

Sir, I am a titular professor at one of North America's largest universities. Most chairs are awarded on political rather than academic qualifications, and often those of superior academic achievements are passed over in the scramble of petty politics commonly needed to secure a chair.

A titular professorship independently recognises those who have international academic credentials while allowing those with additional political ambitions to obtain a chair and so, contrary to what Scruton maintains, actually "de-politicises" academic endeavours.

His comment that only those able to tell the difference between first and second-raters will know which Oxford professor "truly deserves the title" is

correct and will not be obscured by the imaginary improved status of the political appointment of a chair.

Sincerely yours,  
JOHN W. NORRIS,  
(Professor of Neurology),  
University of Toronto,  
2075 Bayview Avenue,  
Toronto, Ontario, Canada,  
August 3.

From Professor John L. Bradley

Sir, As one who has held professorial appointments in English literature in both Britain and the United States, I find Professor Scruton's comments on American academic gravely misleading.

In American higher education (as here) there are many poor courses, too many high grades and numerous other educational aberrations stemming from the evils of political correctness and other sources; but to condemn the American system out of hand, as the writer does, simply reveals him as inadequately informed.

In any event, irreparable educational harm has been done over there and similar damage is well under way here.

Yours sincerely,  
J. L. BRADLEY,  
Church Cottage,  
Hinton St George, Somerset,  
August 2.

From Professor Emeritus  
Peter Gordon

Sir, Roger Scruton claims that "education" (why the quotation marks?) is a new subject in the ranks of the professoriate.

Perhaps he is unaware that the first two chairs of education in the United Kingdom, at Edinburgh and St Andrews respectively, were established in 1872, and the first chair in England was at Durham in 1895. Scruton's former university (London) appointed its first professor of education in 1902.

Yours faithfully,  
PETER GORDON  
(Emeritus Professor of Education),  
University of London,  
Institute of Education,  
25 Woburn Square, WC1,  
August 1.

### Choice of suitable tribute to Britten

From Mr Peter Shaffer

Sir, What a depressing spectacle Libby Purves describes in her article ("Once Britten, twice shy", July 30) on the row over the proposal to raise a statue of Benjamin Britten in Aldeburgh (letters, July 26, August 1).

No amount of talk about defying tourism, resisting theme-parks or pandering to visitors from Hampstead can alter one shining fact: Britten is probably the greatest composer this country has ever produced — and certainly the only one whose clear natural genius has made it musically respected throughout the world.

Of course this man should have a statue erected to him in the churchyard — or even the centre of the town he loved so passionately, and from which he loosed such a catarrh of great work.

I have to add I find it astounding that the present Master of the Queen's Music, asked for his opinion, should actually dismiss Britten as "ephemeral". Surely Peter Grimes, *The Turn of the Screw*, *The Serenade*, *Les Illuminations* and *The Holy Sonnets of John Donne* constitute acts of creative worth to be set beside any musical compositions of this century.

The opposing local councillors should seriously think again — in terms of national honour, and the rightness of paying homage to rarest gifts. The only real problem might be to find a sculptor equal to that task.

Yours sincerely,  
PETER SHAFFER,  
c/o Macnamara Lord  
Representation Ltd,  
200 Fulham Road, SW10,  
August 2.

From Mrs Venetia M. Strong

Sir, So the choices available to the citizens of Aldeburgh have either to be a representative statue of Sir Benjamin Britten, or a bird table.

### Yours, puzzled

From Mr Evan M. Davies

Sir, I sympathise with Mr Paul Downes (letter, August 8) in his problem of getting to *The Times* crossword puzzle before his guests.

I leave the (inevitably) unfinished puzzle from the previous day on the table and ask for help in completing it. Such is the puzzle-solver's belief in his superiority, no one resists the challenge.

Yours faithfully,  
EVAN M. DAVIES,  
31 Castle Street, Farnham, Surrey,  
August 8.

From Mr Simon Dalgleish

Sir, Paul Downes's dilemma was one I shared until you started publishing *The Times* on the Internet at the beginning of the year. When possible usurers are having breakfast with me, I simply download that morning's puzzle and print off the requisite number of copies.

Yours faithfully,  
SIMON DALGLEISH,  
20 Standish Road, W6,  
August 8.

Could they not look to that artistic nation Finland, where, in a park, Sieläns is commemorated by a splendid abstract sculpture which speaks to you of his achievements? Might I suggest a water sculpture to honour Britten's compositions?

The birds would be happy, too.

Yours faithfully,  
V. M. STRONG,  
25 Newstead Way, Wimbledon, SW19,  
August 3.

From Mr John Waddell

Sir, In the Britten statue shock-horror debate Mrs Tricia MacGuire's suggestion (letter, August 2) of a Peter Grimes statue could indeed placate almost everyone except, perhaps, the Aldeburgh council.

Erect it at the Maltings in Snape — where Britten was living when he composed his finest opera, rather than in Aldeburgh — and you would have something approaching a grand slam.

Yours faithfully,  
JOHN WADDELL,  
Snape House, Snape, Suffolk,  
August 2.

From Mrs Eileen Craine

Sir, I should be glad to know if there already exists, anywhere in this country, a statue to Benjamin Britten, one of our greatest composers. If not, there seems little cause for righteous indignation at Aldeburgh's supposed failings.

A bird table or a tree seems to me entirely in keeping with "sleepy little Aldeburgh", which inspired the characters in *Peter Grimes*, an opera which entralls the world. I for one hope the town will not be persuaded to change its ways.

Yours faithfully,  
EILEEN CRAINE,  
59a Crawford Street, W1,  
August 2.

### Small is beautiful

From Mrs M. Julius

Sir, Why the seemingly unstoppable urge towards mammoth-size museums (letter, August 5; report, August 2)? What is wrong with holding works in store for alternative airings? Some museums, the Metropolitan in New York for instance, are now so huge as to be awesome.

The Frick and the Guggenheim in New York, the Wallace in London and the Thyssen-Bornemisza in Madrid are but a few to illustrate that smaller is beautiful.

I am, Sir, yours faithfully,  
MURIEL JULIUS,  
77 Portman Towers,  
George Street, W1,  
August 5.

Business letters, page 25

Letters for publication should carry contact telephone numbers. We regret that we cannot accept letters by telephone but they may be sent by fax to 0171-782 5046.

### Clues to mystery of the number 31

From Father Robert Ombres, OP

Sir, Professor Raymond Hide (letter, August 3) is puzzled by idiomatic usages of the number 31 in different cultures.

I suggest that all the variants in modern Italian using "thirty-one" build on the significance of the 31st as the completing day of the month. The expression *trenta e uno, trentuno*, so beloved of my Italian father, therefore means to complete, to settle, to add the finishing touch, to bring to an end. Variants on it have also meant to run away, to leave — presumably in the sense that something is over, has been left behind.

My guess is that this root idea explains the other usages mentioned by Professor Hide. The French *être sur son trente et un* ("to look one's best") builds on the idea of what is complete; the expletive usage amongst Arabs, *trianda-ena* ("Go away!"), builds on the idea of what is over and done with. As "the last day", thirty-one may also have an ominous ring to it.

Yours faithfully,  
ROBERT OMBRES, OP,  
Blackfriars, Oxford OX1 3LY,  
August 3.

From Mr Adrian Room

Sir, I have always understood the idiomatic expression involving 31 to stem from the old card game known in French as *trente et un* and in English as "one-and-thirty". The object was to hold three cards of the same suit to make a total of 31, the ace counting as 11 and the court cards ten each. When a player had achieved this, his score was correct and he was "sitting pretty".

If his cards totalled 32, he was by contrast "a pip out", a situation alluded to by Shakespeare: "Was it fit for a servant to use his master so; being, perhaps, for aught I see, two-and-thirty, a pip out?" (*Taming of the Shrew*, I.ii.33).

Yours faithfully,  
ADRIAN ROOM,  
12 High Street,  
St Martin's, Stamford, Lincolnshire,  
August 3.

From Dr Max Prola

Sir, Professor Hide's letter on the ubiquitous appearance of the number 31 in idiomatic expressions delightfully reminded me of one used by my parents. As the language was the Piedmontese dialect of northern Italy, I shall have to render it in Italian: "*Hai fatto trenta — fa trentuno*". Its literal meaning, "You've done 30, you might as well do 31", was understood to suggest that having completed 30 steps, it would not be very difficult to complete one more.

It was used to encourage one to continue in some endeavour that had come to a halt.

Sincerely,  
MAX PROLA,  
The Croft, Ditchfield Lane,  
High Legh, Knutsford, Cheshire,  
August 4.

### Life on Mars

From Dr Jim Swire

Sir, If an impact on Mars splashed meteorites onto Earth, then over geologic time we can be sure that some other impact on Earth long ago splashed Earth material onto Mars. Since simple organisms can survive indefinitely in space, may not the Martian meteorite simply have returned to us fossil evidence of early Earth-life having colonised Mars?

Yours faithfully,  
JIM SWIRE,  
Caspide House, Pikes Pool Lane,  
Bromsgrove, Worcestershire,  
August 8.

From Mr Jodie Forbes-Millett

Sir, Fortunately the discovery relates to one of the simplest life-forms known. The human race is far from ready to deal with the discovery of intelligent alien life.

Yours faithfully,  
J. FORBES-MILLOTT,  
57 Gunterstone Road, W14,  
August 7.

From Mr Howard Toon

Sir, I noticed today a lichen-like growth on the plastic lid of my dustbin. As this came from the local borough council, is it reasonable to assume that intelligent life exists there?

Yours faithfully,  
HOWARD TOON,  
5 Loughborough Close, Hathersfield, Leicestershire,  
August 8.

### Life as we know it

From Mr David Himsworth

Sir, We read today on your front page that it is entirely possible that "something incredibly primitive such as micro-fossils from highly primitive organisms" may have evolved on Mars. If these are what NASA want to find, we can save them a long and expensive journey. The answer lies in your report directly below — "Ulster braced for clashes as talks fail".

Yours faithfully,  
DAVID HIMSWORTH,  
Hanging Hill Farm, Killynathorpe, Maiton, North Yorkshire,  
August 7.















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# THE TIMES

2

INSIDE SECTION  
**2**  
TODAY



**BUSINESS**  
Oil companies  
take a bite at  
food retailers  
**PAGE 21-27**



**EDUCATION**  
Classroom of  
courage at Great  
Ormond Street  
**PAGE 32**



**SPORT**  
England run  
ragged by  
Pakistan attack  
**PAGES 33-40**

**TELEVISION  
AND  
RADIO**  
**PAGES  
38-39**

BUSINESS EDITOR Lindsay Cook

FRIDAY AUGUST 9 1996

Refuge and United to merge

## New round of job losses as insurers unite

By MARIANNE CURPHEY

REFUGE Assurance and United Friendly announced yesterday that they are to merge, causing the loss of up to 1,800 staff — a quarter of the workforce — and the closure of 100 branches. There was good news, however, for policyholders and shareholders of both companies, who will benefit from windfall bonuses.

The new wave of job losses comes just three months after Royal & Sun Alliance announced 5,000 jobs would go following the merger of Royal Insurance and Sun Alliance.

United Friendly's London head office, which has a workforce of 650, will move to Wilmslow, Cheshire, where Refuge is based.

Yesterday's announcement was technically a takeover bid for United Friendly by Refuge. The new company will be called United Assurance. Leaders of the Manufacturing, Science, and Finance Union (MSF) condemned both companies for failing to consult staff, and said that the union was "determined to negotiate to avoid compulsory redundancies".

Shares in United Friendly soared by 105p, to £39p, when the company revealed a £145 million surplus, known as Investment Fluctuation Provision, in its life fund, which may be paid to shareholders.

Refuge's share price fell 22p, to 40p, after it announced that it had identified £430 million in surplus funds.

which the Department of Trade and Industry had agreed belonged to shareholders, way below some City expectations of £650-£800 million. The funds will remain untouched for five years but will generate an estimated £40 million interest annually.

This enabled Refuge to increase its net interim dividend by 35 per cent, to 5.4p per share. United Friendly is increasing its interim dividend by 53 per cent, to 11.2p net. The board of United Assurance will recommend a net final dividend, for the year ending December 31, of 12.6p per United Assurance share and a progressive dividend policy.

Extra windfall bonuses will also be paid to Refuge policyholders and shareholders because of the restructuring. Refuge has set aside further £12 million from its life fund, which can be redistributed. One million policyholders qualify to share in a £101 million special bonus as compensation for the restructuring.

Shareholders, meanwhile, are entitled to the £11 million, which will be paid into the reserves. A Refuge customer with a 10-year industrial branch endowment policy taken out in 1988 with a sum assured of £5,000 will be allocated an extra £244.

The special bonus will be added automatically to with-profit policies taken out before August 8 and will be payable when they mature.

Following the merger, Ref-

uge shareholders will hold approximately 47 per cent and United Friendly shareholders approximately 53 per cent of United Assurance shares.

John Cudworth, chief executive of Refuge, will become non-executive chairman of United Assurance, and George Mack, group finance director and deputy chief executive of United Friendly, will become group chief executive.

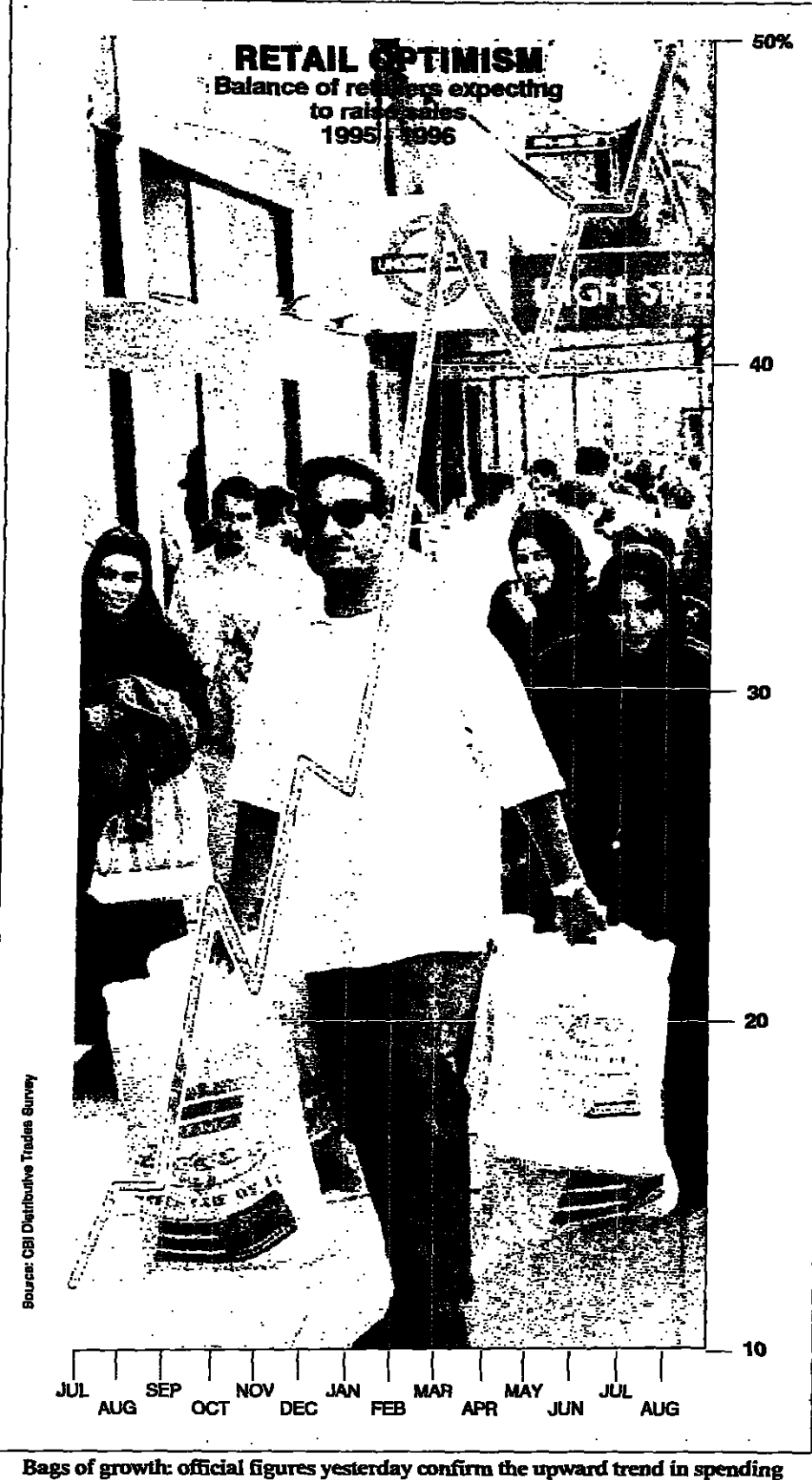
Both Refuge and United Friendly have been criticised by *Money Management*, the investment magazine, for the poor performance of a number of their funds.

United Assurance will be the fourth-largest insurance company in the home service sector, which involves collecting monthly contributions from policyholders. With combined net life premiums last year of £445 million, it lies behind Prudential with £2.9 billion, CIS with £908 million, and Pearl with £741 million.

The merging companies will have a market value of £1.5 billion, with 279 branches before closures, 6.6 million policies issued and £6.5 billion in assets under management.

Shares in Britannic, which is awaiting a decision from the DTI over the redistribution of its own orphan assets, rose strongly yesterday. London & Manchester rose on speculation that it would be the next takeover target.

Pennington, page 23  
The human cost, page 25



Bags of growth: official figures yesterday confirm the upward trend in spending

## Boom in retail sales holds up in July

By ALASDAIR MURRAY

THE boom in retail sales continued last month, with new data published today pointing to the second largest monthly jump in high street spending since January 1990.

About 43 per cent of retailers enjoyed a rise in sales in July, according to the CBI's distributive trades survey, only marginally down from June's record 45 per cent.

The CBI said that the survey shows high street sales well ahead of expected levels at this time of year, with retailers expecting an even stronger performance this month.

Grocers and booksellers reported the biggest jump in sales while there was also some growth in sectors, such as DIY, which are linked to housing market. But the confectionery, tobacco and newspaper retailers and off-licences all reported a flat month.

The CBI survey provides a snapshot of retail sales but has tended in recent months to show stronger growth than that recorded in the retail sales figures compiled by the Office for National Statistics.

Detailed figures produced by the Bank of England yesterday lend support to the steady rise in consumer spending. The Bank said lending to individuals increased by £3.6 billion in the second quarter, well ahead of the rise in the previous quarter. Consumer credit rose £2 billion, the largest increase since the second quarter of 1989.

Wall Street largely shrugged off data that showed the US job market was still in rude health. Initial unemployment claims rose to 318,000 from 294,000 in the week ended August 3, against market expectations of 323,000.

## BUSINESS TODAY

STOCK MARKET		
FT-SE 100	3811.4	(+0.3)
FT-SE All share	1884.43	(+1.22)
Nikkei	20731.31	(+253.72)
Dow Jones	5700.82	(-17.75)
S&P Composite	682.58	(-1.57)
US RATE		
Federal Funds	5 1/8%	(8%)
Long Bond	8 1/8%	(97%)
Yield	6.80%	(6.77%)
LONDON MONEY		
3-mth interbank	5 1/4%	(5 1/4%)
12-mth bill	10 1/2%	(10 1/2%)
5 index	94.8	(94.3)
STERLING		
New York	1.5500*	(1.5428)
London	1.5498	(1.5422)
DM	2.3000	(2.2950)
FF	7.8401	(7.8380)
SF	1.8765	(1.8820)
Yen	167.82	(168.45)
5 index	94.8	(94.3)
DOLLAR		
London	1.4838*	(1.4850)
FF	6.0277*	(6.0250)
SF	1.2100*	(1.2105)
Yen	108.13*	(107.85)
5 index	96.2	(96.1)
TOKYO CLOSING		
15-day (Oct)	\$19.50	(\$19.40)
GOLD		
London close	\$388.15	(\$388.15)

\* denotes midday trading price

## Compensation

Funding for the Investors Compensation Scheme, the ultimate safety net for investors who lose money through bad advice or theft, could soon be boosted by up to £50 million. A consultation paper was published yesterday. Page 22

## Cable talks

TeleWest Communications and Nynex CableComms, Britain's largest cable operators, are believed to be holding talks on a merger. Page 23

## Reed Elsevier in £100m deal

By ERIC REGULY

REED ELSEVIER, the publishing group, yesterday expanded its legal publishing business with the £100 million cash purchase of Tolley from United News & Media and said it is still in position to make acquisitions worth £2 billion or more in America and Europe.

Reed, owned equally by Reed International of Britain and Elsevier of The Netherlands, wants to keep growing in the legal, business, travel and scientific publishing markets. It downplayed speculation that it is considering a bid for Pearson's businesses, which include TV production, theme parks and computer games, do not fit its investment strategy.

Tolley supplies information and commentary to the legal, tax and business markets in Britain. Nigel Stapleton, Reed's co-chairman, said that Tolley would go well with Reed's Butterworths division, Britain's largest legal publisher. Most of Tolley's 200 employees, he said, would survive the takeover.

Reed reported a 12 per cent rise in pre-tax profits, to £416 million, in the half year to June 30, on turnover of £1.7 billion, up 7 per cent.

Reed International is to pay an interim dividend of 8.25p, up 10 per cent, while Elsevier's dividend rises 11 per cent to 0.20 guilders. Reed International shares closed at £11.45, down 5p.

Tempus, page 24

## Police and SFO raid Facia sites

By ROBERT MILLER

OFFICERS of the Serious Fraud Office and South Yorkshire police yesterday swooped on offices connected with Facia, the failed privately-owned retail group headed by Stephen Hinchliffe, the Sheffield entrepreneur.

The raids, on five premises associated with Facia in Sheffield and central London, were led by Gordon Dickinson, an SFO assistant director, and Detective Chief-Inspector Alan Timms, of the South Yorkshire police, who formally referred the case to the SFO on August 1. David Morrison, an SFO forensic accountant, was also involved.

A police source said documents and other material had been seized for analysis.

## Rank plans sale of rest of Xerox

By ALASDAIR MURRAY

THE Rank Organisation is looking to sell its remaining stake in Rank Xerox, the copier company, early next year — a move likely to realise more than £1 billion. The leisure company announced its plans with a major review that will also result in the sale of about £300 million worth of non-core businesses.

Andrew Teare, chief executive, said the company was determined to create a themed leisure and entertainment business, led by flagship brands such as the Hard Rock restaurant chain and Odeon cinemas. But the shares fell 27p to 441p. Analysts criticised the strategic review for not producing many new ideas and expressed concern about Rank's investment in the Uni-

versal Studios theme parks. The City was also confused by the complex restatement of Rank's interim figures, which made judging the company's performance difficult. Half year pre-tax profits fell from £444 million to £128 million due to the sale of part of the Xerox stake last year and accounting changes, although operating profits excluding exceptional items increased 12 per cent to £92 million.

Rank will take a £25 million charge for restructuring into four major divisions — film and entertainment services, Hard Rock, holidays and recreation — under the control of a new holding company called Rank Group.

Pennington, page 23

## BT wants court to cut off call-box rival

By MORAG PRESTON



A New World phone-box

BT WILL take on its biggest phone-box rival in the High Court today. The telecommunications giant has its wires crossed with New World Payphones, the British company that plans to adopt the traditional red phone-box for its own use.

Last Tuesday, BT issued an interlocutory injunction to prevent use of the traditional phone boxes by New World. According to Richard Thompson, New World's managing director: "The K6 design is the only one councils across the UK will allow in conservation areas. BT are trying to prevent us from competing in these areas."

So far, New World has bought 60 of the original

phone-boxes to be positioned in Westminster later this month, but more are on order from Rainham-based Unicorn Restoration, priced at several thousand pounds each.

About 15,000 traditional red phone-boxes are currently available for use by BT customers across the UK. According to a BT spokeswoman: "We welcome competition, but the K6 design is extremely distinctive. The phone-boxes are widely recognised by the public as belonging to BT, and we don't want to confuse people." The Jubilee Kiosk that has been used both to house plants and as a shower, was designed by Sir Giles Gilbert Scott to celebrate 25 years of King George V.

The battle comes only weeks after New World launched its own red and yellow phone-boxes.

Built in Dorset, the bespoke boxes started out in Blackburn and will be on the streets of London within a few days. TeleWest, the largest cable operator in the UK, is also on the search for the traditional red phone-box to paint in the company's green, and set up as a marketing tool.

The green booths will be set up where TeleWest has a concentration of cable users, and callers will be able to make full use of them. According to TeleWest: "We do not have any plans for the roll-out of public telephone boxes at present."



The distinctive Jubilee Kiosk

### CONSISTENT OUTPERFORMANCE

**WHITTINGDALE - TOP STERLING FUND MANAGER**  
Average Gross Return by Fund Manager in the low risk group  
% Gross Return over 5 years to 31.12.95

54.5	54.1	53.8	53.2	51.3	50.5	44.8
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■ Whittingdale □ Competing Fund Managers  
Source: Meridian Performance Services Ltd

### WHITTINGDALE

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## Board pay is up 7%, says survey

By CHRISTINE BUCKLEY

BOARDROOM pay continued to march ahead of inflation last year as directors' pay rose by 7 per cent.

Full-time chairmen and chief executives lagged subsidiaries in the size of their rises, receiving average increases of 4.5 per cent in their pay, according to the Monks Partnership's annual study of directors' remuneration.

Salary rises of the top-paid directors are on a downward trend. The previous year's study found that chairmen and chief executives in industrial and commercial companies had their salaries boosted by 5.7 per cent. It is the first year that the study has covered the range of main directors, so there is no comparison for them in the previous year.

The study, detailing pay in FT-SE 100 companies, found that the typical annual bonus paid to top management was 25 per cent of salary. Chief executives beat this, with an average of 27 per cent. Only 17 per cent of chief executives who were eligible for a bonus did not receive one last year. However, the actual average for bonuses is short of the typical maximum bonus ratified by companies, which runs between 40 and 60 per cent of salary.

A year after the Greenbury report on executive pay, Monks found that 29 companies have abolished share options for main board directors. However, three quarters of the companies will soon have arrangements for alternative incentive packages, such as the controversial long-term incentive plan.

Engineering companies paid their directors the highest salary increases, with an average of 9.1 per cent. David Atkins, author of the report, said that this was in line with growing confidence in the sector.

The minerals, oil and gas industries recorded the highest sectoral increase in full pay packages, at 15.1 per cent.



John Morgan, chief executive, has seen his company defy the trend in the construction industry with a 71 per cent increase in pre-tax profits

## Investor compensation to gain from £50m pool

By ROBERT MILLER

FUNDING for the Investors Compensation Scheme (ICS), the ultimate safety net for investors who lose money through bad advice, theft or fraud, could soon be boosted by up to £50 million.

A consultation paper published yesterday by the Independent Financial Advisers (IFA) Association, which represents more than 2,200 firms and 6,500 individuals, called for the concept of pre-funding to be extended beyond that already accepted by City watchdogs.

This year, the Personal Investment Authority (PIA), the regulator for firms selling direct to the public, announced that £5 million would be raised in addition to what ever the ICS bill was.

Last year, the ICS, which has hitherto been funded on a pay-as-you-go basis, paid out a record £25.5 million, bringing the total amount of compensation awarded since 1988 to more than £100 million.

The Treasury was forced to provide an emergency line of credit worth £17 million after the PIA was faced with a legal challenge over its powers to raise money to fund the ICS.

Garry Heath, chief executive of the IFA Association said yesterday that advisers could pay a predetermined percentage of the commission they earned on the sale of financial products into a pool administered by a new IFA council.

The £50 million compensation pot would be built up over three years, said Mr Heath,

and if they were fewer that expected claims there could be a moratorium on contributions for a year or so.

Mr Heath said: "We are launching this consultation exercise in the hope that we can bring an end to the uncertainty of regulatory and compensation costs in the IFA sector. This is as much in the interests of the consumer as it is beneficial for the future health and growth of the IFA sector."

Mr Heath added that the new fund would include money for promoting the concept of independent financial advice to a far wider audience.

Mr Heath said: "We are also proposing that the new fund would include money for promoting the concept of independent financial advice."

"We believe that such promotion, which has to date been limited in its scope by the resources available, needs to move up a gear to sustain the increase in IFA's share of the financial services market and to communicate the benefits of independent advice to a still wider audience. We believe that this plan offers a major opportunity for IFAs to secure their future through affordable costs."

In a separate move, the IFA Association also announced a new initiative to speed up the personal pensions mis-selling review as it relates to its members. Operation Snapshot, said Mr Heath, has been designed to "identify and solve problems currently experienced by IFAs."

## Record rise at Morgan Sindall

MORGAN SINDALL, the construction group, continues to defy difficult conditions in the industry with a record performance at the half year (Clare Stewart writes).

Pre-tax profits leapt 71 per cent to £2.22 million in the six months to June 30 on turnover up from £78 million to £113 million.

John Morgan, chief executive, said the company's main fitting-out business continues to be buoyant, and a focus on margins has helped to lift profits by £481,000 to £1.8 million. The group also reports improved profits and turnover from its regional contracting business, where profits rose to £479,000 on turnover up 46 per cent to £28 million.

Peel Hunt, house broker, has upgraded its full year forecast to £4.7 million pre-tax with earnings of 11.7p. The interim dividend rises from 0.85p to 1.35p. Shares ended 1p lower at 149p.

## Westminster may renew bid for rival

By FRASER NELSON

WESTMINSTER Healthcare, which tabled a failed takeover attempt for Goldborough Health Care in July, has decided to keep the 9.1 per cent stake in its rival which it gained during its £70.5 million hostile bid.

Westminster's decision to hold on to the shareholding was seen by analysts as a hint that it may make a second

attempt to net Goldborough, after its first takeover attempt was narrowly thwarted by institutions.

Westminster has already made paper losses of £1.6 million on the shareholding, bought for £6.92 million when Goldborough shares were at 173p; the shares now stand at 133p.

Westminster, which turned in its full-year results yesterday, said that the bid had run up underwriting and legal expenses of £2.7 million, which will be recorded as an exceptional in its current financial year.

In the year to May 31, the group lifted its pre-tax profit by 27 per cent — to £17.6 million — after a £1.04 million contribution from two earlier acquisitions.

The group became the biggest name in brain injury rehabilitation in December after buying the Highbank Group for £6.5 million. In November, it bought Peverel, Britain's largest sheltered housing manufacturer, for £45.8 million.

The group is paying a final dividend of 3.65p on October 3. This increases the total for the year to 6p, from 5.2p. Earnings rose to 23.5p per share, from 21.8p.

## Irish futures exchange to be closed

FROM EILEEN McCABE IN DUBLIN

AFTER only seven years' operation, the Irish Futures and Options Exchange (Ifox) is to close for lack of business.

Twenty-five shareholders, including many of the Irish Republic's major banks, stockbrokers, fund management companies and treasury groups, are expected to approve a recommendation by its directors to wind up the company on 28 August.

Fergus Sheridan, acting chief executive, says that the move comes after fruitless discussions on how to breathe new life into the exchange.

"The reality is that the Irish market does not need a futures exchange," he said.

Only five contracts are currently traded on Ifox — short-term, medium-term and long-term gilts, DIBOR and a swap contract.

The exchange has had low volumes since it began. Last year, its death knell came with a decision by the National Treasury Management Agency to change its gilt-trading system from agency-based to being based on market-making. Dealers increasingly turned to the inter-broker dealer appointed as part of the market-making system and to the repo market.

## Finance chief is casualty of Southern Water sale

By CHRISTINE BUCKLEY, INDUSTRIAL CORRESPONDENT

RAYMOND KING, finance director of Southern Water, yesterday became the biggest boardroom casualty of ScottishPower's takeover of the water company.

Mr King, 43, is currently negotiating severance terms, but it is believed that he will receive a pay-off in line with a year's salary. He earned £133,000 last year, although his basic remuneration was £99,000.

ScottishPower, which paid £1.66 billion for Southern Water as a third building block in a multi-utility strategy that includes the regional electricity company Manweb, said that Mr King had been offered



Courtesy: retiring chairman

another post after it had decided to replace him with Gerry McAloon, from the Scottish company's finance team. It is expected that Mr

King will make a £280,000 gain on share options if he sells his holding on leaving the company. ScottishPower said that Mr King was leaving "to pursue his career elsewhere".

John Cullen, company secretary, is also leaving the board, but will stay with Southern Water as director of corporate services. Martyn Webster, group managing director, is shifting to a new position as managing director of enterprise services. The three non-executive directors, Anthony Fry, John Westhead and Trevor Blackler, are leaving.

ScottishPower confirmed that Bill Courtney, 71, is to retire as Southern Water chairman. He had already signalled his intention to retire.

## Union back in the black

UNION, the financial services group, moved back into the black at the half-year stage, helped by a £3.1 million exceptional credit from its pension fund and a strong performance from its fee and commission earning businesses (Clare Stewart writes).

Union's interim pre-tax profits were £3.4 million for the six months to June 30 1996

compared with a loss of £792,000 in 1995.

All the fee and commission activities, including its fund management and futures trading businesses, were profitable, contributing £713,000 compared with £62,000 in the first half of 1995.

Volatile conditions squeezed Union's money market and equity market activities, where

losses were unchanged at £475,000.

George Blunden, group chief executive, says Union plans to continue developing its fee earning businesses, further reducing its focus on the higher risk, market-linked activities.

The interim dividend is unchanged at 1.5p. The shares dipped 4p to 99p.

## BUSINESS ROUNDUP

### British Gas silent on talks with oil groups

BRITISH GAS refused to confirm that progress has been made on negotiations with oil companies over its £40 billion exposure to high-price, take-or-pay gas contracts. Large oil companies also refused to comment on the talks, in which British Gas is expected to have to offer substantial inducements in order to reduce the volume and price of gas for which it has long-term contracts.

British Gas may offer access to its infrastructure to some large players that want to enter the domestic gas market. Cooperation with those coming into the newly opened household gas market could help to negotiate down large contracts that mean that British Gas must buy fuel at prices higher than those it can sell at. Privately, many oil companies said that their take-or-pay negotiations with British Gas were likely to continue for some time. British Gas is under pressure to deliver good news to shareholders as it faces a tough pricing review on its pipelines business and more customer complaints.

### Disposals boost Willis

WILLIS CORROON GROUP, the international insurance broker, unveiled a 6 per cent rise in pre-tax profits to £70.6 million for the six months to June 30. The figure was boosted by £2.4 million from the disposal of non-core businesses. Brokerage and fees were increased 2 per cent to £365.2 million and earnings per share rose 10 per cent to 10.7p. The interim dividend per share is unchanged at 3.3p a share and will be paid on October 1. The group said that there was no compelling reason to consider merging with other firms.

### BCCI extradition move

SYED AKBAR, former BCCI treasurer sought for alleged blackmail by extorting \$15 million from the collapsed bank after threatening to reveal corruption before the collapse, was recommended for extradition to the US yesterday. Magistrates at Bow Street, London, had previously allowed an application from lawyers for Akbar to withdraw a "waiver" he signed at the court in March consenting to his removal to America. The Secretary of State has now to approve the extradition. Akbar served three years of a six-year sentence for fraud in this country.

### Courts lifted by Europe

SUCCESS IN Europe helped Courts, the international recruitment consultancy, to return record results for the six months to June 30. Profits generated in continental Europe rose by 67 per cent, to £591,000. In the period, offsetting losses of £257,000 from its Japanese outfit. Courts said that its Tokyo office was unlikely to turn out a profit for the year as a whole. Group pre-tax profits more than doubled to £1.52 million (£716,000), on sales which grew 22 per cent, to £19.8 million. The interim dividend is 0.75p (0.6p), due on September 30. Earnings per share grew 0.9p, to 1.54p.

### Thyssen denies fraud

THYSSEN will contest allegations of fraud made against five of its staff after the Berlin prosecutors' office said it had arrested five managers from the German steel and engineering group and Metallurgiehändler, the east German metal export business, on suspicion that they caused DM73 million of damages in Treuhand, the privatisation agency, when Metallurgie was sold. Thyssen bought Metallurgie from Treuhand shortly after reunification. Thyssen said an original investigation into the allegations had been closed in October 1993 and it did not understand why the case had been reopened.

### S African bank rate held

CHRIS STALS, governor of the South African central bank, ruled out an immediate rise in the bank rate to bolster the fragile rand yesterday but said he was concerned at the currency's volatility. "We certainly don't intend to increase the bank rate today," he said in response to market speculation that an increase in the rate — now at 16 per cent — was imminent. The rand had been helped yesterday by expectations of an increase in the bank rate of up to two percentage points.

### Brancote in mines deal

SHARES IN Brancote Holdings, the AIM-listed mining company, rose 9p to 60p yesterday after it secured a joint venture with Ontario, a Canadian mining company, on two Nevada silver and gold mines. The Jefferson Canyon mine has reserves of 15.5 million ounces of silver and 73,000 ounces of gold, while the mine in Wonder contains 22 million ounces of silver and 173,000 ounces of gold. Brancote is managing the project, but put up none of the funding. It is to receive between 0.5 per cent to 2 per cent of the smelter royalties.

### McKechie buys Dzus

MCKECHIE, the plastics and metal components group, has bought Dzus International, a producer of specialist fastening devices, for £15.25 million, funding the acquisition through placings of £35.9 million. McKechie, which has spent £65 million on acquisitions since January, said the move should restore its post-Dzus gearing to around 50 per cent, allowing it to stay on the acquisition trail. It forecast a final dividend of 12p per share for the year to July 31, which would lift the year's total by 1.5p to 18p.

### Co-Op funds pit centre

THE £5,000 visitor's centre that will open at Tower Colliery today is being financed by the Co-Op Bank. The bank has been involved with the colliery since 1994, when 101 miners were awarded personal loans worth a total of £600,000 to enable them to buy a share in the pit. Under the miners' ownership since January 1995, the pit is now trading successfully. Meanwhile, the Point of Ayr mine in North Wales is due to end coal production today and miners have until the end of the month to decide whether to buy their pit for £1.2m.

## Electricity firms relent on blackout payments

By CHRISTINE BUCKLEY, INDUSTRIAL CORRESPONDENT



Stephen Littlechild helped to lift the cloud over compensation for bad weather failure

ELECTRICITY companies have bowed to pressure from the regulator over payments for bad weather interruptions, with two groups paying a total of more than £12,000.

Midlands Electricity and Swalec, the Welsh company, that is part of the Hyder multi-utility, paid out the greatest amount in compensation for supply interruptions lasting more than 24 hours, according to customer service league tables published yesterday by the regulator.

Midlands was last year pressed into making payments for a number of customers it had previously turned

down on the grounds of extreme weather.

Professor Stephen Littlechild, the electricity regulator, ruled that payments should be made because supplies were not restored quickly enough after lightning storms last summer. Swalec's most severe weather — February snow — followed his ruling and the company was told payments should be made.

Electricity consumers yesterday stepped up the pressure that payments should be due after 12 hours rather than a full day. Ken Prior, deputy chairman of the chairmen's group of the electricity com-

sumers committee, said: "The time should be reduced to 12 hours. That would be easily manageable."

The regulator yesterday said he was concerned about the 65 per cent jump in Swalec's failures to meet guaranteed standards. It made 89 payments for supply loss for more than 24 hours in the year to the end of March, compared with 38. Midlands made 149 compared with 45 in 1994-5. Overall, customer service increased. There was a 30 per cent fall in payments for failure to meet guaranteed standards and 22 per cent fewer complaints to the regulator.

## TOURIST RATES

	Bank Buys	Bank Sells
Australia \$	2.08	1.92
Austria Sch	17.13	15.83
Belgium Fr	50.22	45.92
Canada \$	2.254	2.094
Cyprus Cyp£	0.745	0.690
Denmark Kr	9.44	8.84
Finland Mk	7.48	6.93
France Fr	8.21	7.56
Italy Lira	2.45	2.24
Greece Dr	381	356
Hong Kong \$	12.58	11.58
Ireland P	1.01	0.93
Israel Shk	5.25	4.80
Italy Lira	2454	2299
Japan Yen	160.70	154.70
Malta	0.523	0.528
Netherlands Gld	2.725	2.495
New Zealand \$	2.28	2.17
Norway Kr	10.45	9.65
Portugal Esc	246.50	228.00
S Africa Rd	7.57	6.77
Spain Ptas	201.00	180.00
Sweden Kr	10.87	10.07
Switzerland Fr	2.00	1.82
Turkey Lira	132770	124770
USA \$	1.642	1.512

Rates for small denomination bank notes only, as supplied by Barclay Bank PLC. Different rates apply to travellers' cheques. Rates as at close of trading yesterday.



□ New man at Rank makes his mark □ Draft Bill on competition □ Questions over Refuge-United Friendly link

## A tax break with the past

THE Rank Organisation is dead — long live the Rank Group. Andrew Teare, Rank's new chief executive, has been trying to put this message about the market since his arrival three months ago. It will soon come true — quite literally.

Rank has constructed a very clever tax wheeze to avoid paying anything up to £300 million on the £1 billion sale of its remaining 20 per cent stake in Rank Xerox. The company has created a new holding company, Rank Group, for share trading purposes. This will own all the businesses Rank wants to keep, parcelled into four subsidiaries.

Pass gently on from the thought that the last attempt to use the tax laws to put a prevailing wind behind a large disposal was the Hanson demerger, now badly leaking credibility. Rank's ambitions are more modest — just. It will sell Rank Organisation early next year with the Xerox stake and all those horrible potential tax liabilities intact. Xerox of Japan, the other investor in the joint venture, is the inevitable buyer, although some daft twist of the tax laws means Rank must maintain the fiction that it is not looking for a sale until the day the Japanese knock on the door.

The sale of the Xerox stake and around £300 million worth of assorted business has been justified as a necessary break with the past, and one that wipes out debt. Rank is now destined to become one of those focused, consumer-oriented, brand-led businesses that the stock market happens to revere, this year at least. Mr Teare has waxed lyrical about the great opportunities for the Hard Rock, once purely associated with long queues, hamburgers and T-shirts, to sell everything from children's clothing to records.

The company also wants to revive the glory of the Odeon name, while neatly glossing over the fact the cinema chain was nearly left for dead in the recent battle to build multiplexes. But while the names at the top may have changed, the market senses that all too much remains the same. Such caution might seem churlish — analysts have had long enough to think about the new strategy, ever since a blatant leak at the weekend. Yet inconsistencies remain. Rank is prepared to dispose of its investment in Xerox but to continue with a minority position in the Universal Studios theme parks which provides no management

control. And why hang on to video duplication? This has nothing to do with branding and is under threat from digital video technology in any case, yet Rank is in the process of expanding capacity there.

Mr Teare says he has only been in the job three months and that he has not had time to review every nook and cranny. Fair point. So why trumpet the changes now as a dawn of a new era? Quite simple. The new chief executive needs to signal a distinct break with the past, and Rank's days as a stuffy and secretive conglomerate. New chief executives are like that.

### Lang beefs up the OFT

IAN LANG'S draft legislation on competition policy, published yesterday, has rejected the draconian policing demanded by the consumer lobby. Instead the Bill to replace the Restrictive Trade Practices Act has gone for an easy balance, even if it leaves the Office of Fair Trading with considerably more power.



Reform of laws to ban cartels and other unfair business practices has been promised since 1989. The OFT's effectiveness is limited at present. The DTI proposes various investigative powers to smash cartels, including the ability to enter premises, by force if necessary and armed with a magistrate's warrant, and to seize documents.

So far, so good. The debate since this spring's consultative document has been over the extent to which normal business practices should be criminalised. The creation of cartels is clearly wrong, and the Bill sets out any possible exemptions and the penalties available, such as fines of up to 10 per cent of turnover for those businesses involved.

Mr Lang has dropped the idea of fining directors personally, a maximum of £150,000 having been initially mooted.

Some hawks wanted a strict prohibition of any abuse of dominant market position, as already enshrined in the Treaty of Rome. The DTI has, rightly, refused, believing that this cannot be made to work satisfactorily. Instead the OFT would have to look at various practices on a case-by-case basis, but will have the power to ban them from the start pending an investigation. The only appeal is to the Monopolies Commission.

It is always hard to draw a clear line between shrewd business practice and criminality. Consider this example. A company wanting to break into a new area may at first price its goods to undercut existing operators, to gain some market share. The same action by a dominant party to protect its position might be abuse of market power. In the first case, only a small number of consumers benefit, but this is allowed; in the second, the majority do, but the move is

banned. Under the Lang proposals, it is up to the Director-General of Fair Trading to rule on such anomalies.

### Insurance merger breaks cover

THE City may have been "shocked" by the decision of the United Friendly and Refuge to merge, but a cynic might wonder if the shock came mainly because there was no market leak beforehand. Like the Royal/Sun Alliance link, this one came quite out of the blue.

Mergers between insurance companies should hardly be a surprise to highly paid analysts. The sector was heading for rationalisation along with the rest of the financial services industry, a point made in a number of equities market forecasts at the start of 1996. But the eventual success of such links is a long way from assured.

The jury is still out on Royal & Sun Alliance, and will remain so until a couple of sets of figures have shown how the merger has bedded down. The dangers are

clear. Set against the cost savings from such deals are the risk of a clash of corporate cultures leading to boardroom strife, and of the loss of an extremely conservative customer base put off by the shiny new products eventually on offer.

That said, it is hard to see what kept United Friendly and Refuge, if the overlaps created allow the loss of a quarter of the workforce. Even in the sleepy sector of the market they occupy, this suggests some serious over-manning, and not just savings from new computerised technology that frees up labour from dead-end back office jobs.

### Bonn mot

THE Germans are giving Brussels lessons in humour. Strange, but true. Beck's beer is running a series of spoof adverts alleging that the Euro-Commissioners want to create an inferior, standardised quality of water from which beer must be made. What is more, carrots have been reclassified as a fruit and the London double-decker bus outlawed. All mildly amusing, if a little ponderous and derivative, but it has sparked a terminal sense of humour failure in Brussels. "Cynical and irresponsible," puffs one Commissioner. And he's one of ours, the head of the Commission in the UK.

## Buoyant Invesco plans European expansion

By ROBERT MILLER

INVESCO, the international fund management house, plans to open offices in all the foremost European cities after reporting a 42 per cent jump in half-year pre-tax profits to £32 million.

Charles Brady, chairman of Invesco, which lifted earnings per share to 8.2p in the six months to June 30, said yesterday that with the private sector about to play a much larger role in European pension fund management there were plenty of new business opportunities.

He added that in the United Kingdom, where Invesco manages some £2 billion of pension funds, compared with £33.8 billion in North America, "some 75 to 85 per cent of pension funds are managed

by four or five houses. I think there is room for one or two more and we aim to be one of them."

Global funds under management at Invesco rose 26 per cent to £58.4 billion in the first half of the year, boosted in the US by the increasing popularity of 401K plans.

These are defined contribution schemes, which enjoy special tax privileges similar to those of the UK's personal equity plan (PEP) except that the US version must be held until retirement.

The interim dividend was increased to 2p, from 1.75p last year, and is due to be paid on October 1.

This will be Invesco's sixth consecutive dividend increase and marks the rehabilitation

of a group that in 1993 was fined £750,000 with costs of £1.6 million for 53 rule breaches by a City watchdog over the Maxwell affair.

From that particular low point in its business life, Invesco has restructured itself and its retail portfolio in the United Kingdom, where it has £7.3 billion under management, and now manages a total of ten investment trusts and 22 unit trusts.

In Europe, where Invesco has one fully staffed office in Paris together with a number of other joint ventures, income increased by 9 per cent to £2 million.

Mr Brady said: "Investment performance of the European region continues to improve, particularly for continental

European equities and small cap stocks in the UK and Europe."

He added: "Invesco is gaining increased recognition for its European investment performance and this is benefiting the region's businesses."

Elsewhere, Invesco said that its Hong Kong operation was profitable and that it expected its first initiative in Latin America with a joint venture in Argentina to show results by early 1997.

Commenting on the results, Mr Brady said it had been an excellent first half and added: "We are improving profitability and margins and increasing shareholder value."

Invesco's shares closed up 4p at 237p.

### Colleagues posts profit warning

THE industrial action by postal workers was blamed by direct marketing group Colleagues for disrupting its business (see page 10). Shares in Colleagues dived from 255p to 148p yesterday after the group said that both its interim and year-end results would be lower.

A more significant impact on profits has been the sudden drop in expenditure by one of its largest clients, thought to be Sun Life. Colleagues is to bring forward its interim announcement and is estimating profits of around £1 million to June 30, compared with £1.56 million. Second half results are also expected to drop, with around £1 million forecast. House broker Panmure Gordon has sliced full-year estimate from £4.4 million to £2 million.

## TeleWest 'discusses merger' with Nynex

By ERIC REGULY

THE controlling shareholders of TeleWest Communications and Nynex CableComms, Britain's largest cable operators, are believed to be holding discussions about putting the companies together through a share swap. A merger would give the new group access to some seven million homes.

Neither of the cable companies would comment on the deal. John Killian, chief executive of Nynex, would say only that "we think there will be further consolidation in the industry and we think consolidation presents benefits in the long term."

Nynex is 67 per cent owned by Nynex of New York, a regional phone company that is merging with Bell Atlantic to create a vast telecoms group on the East Coast. TeleWest is majority owned by Telecommunications Inc, America's



Killian: long-term benefits

largest cable company, and US West, another regional phone company.

The controlling shareholders are thought to be losing patience with the cable companies' performance and think a merger might help. One source close to the talks said that the impending

Nynex-Bell Atlantic merger "has prompted a portfolio review" that includes Nynex. Bringing them together would create efficiencies, a larger group would also have more clout in negotiating the purchase of content, from programming to Internet services.

Nynex CableComms yesterday reported a loss of £41.9 million in the half year to June 30 against a loss of £57.5 million in the same period a year ago. Turnover almost doubled to £66 million as the company expanded its network and increased its customer base.

Cable-TV penetration rates, however, rose only marginally to 19.6 per cent, while cable-telephone penetration rates rose from 22.5 per cent to 26.2 per cent. Nynex shares closed at 88p, up 1p.

Tempos, page 24

### Irish group makes oil agreement with Libya

FROM EILEEN MCCABE IN DUBLIN

BULA RESOURCES, the Irish oil exploration company, yesterday widened its focus from Siberia to North Africa with an agreement to join forces with Libya's National Oil Corporation to work on three onshore blocks.

The exploration and production sharing agreement with Libya's licensing authority covers two blocks in the Sirte basin and one in the Ghadames basin. It also announced that it had agreed in principle with a major international Canadian oil exploration company to drill for hydrocarbons in the same blocks.

A Bula spokesman refused to reveal the identity of the Canadian company but promised more details would be available within weeks. Its Canadian partner has agreed to "carry Bula's costs for the entire exploration phase and finance the whole of the development programme in this area of massive potential".

The agreements came on the eve of Bula's annual meeting in Dublin today. In June the company resolved its long-running dispute with several Russian concerns over the ownership of Aki-Otyr, a Russian oil company licensed to produce oil from four Siberian oilfields. Although the terms of the agreement are to be put before an extraordinary general meeting in the next few months, it will undoubtedly feature in today's gathering.



Sid Taylor, left, and Malcolm Jones, chief executive

## Bensons Crisps back in the black

By SARAH CUNNINGHAM

BENSONS CRISPS has returned to the black, with a record first-half profit, and is back in the dividend list for the first time in two years.

The company, which completed a restructuring last month with the sale of the non-core Sight and Sound Animations, made a pre-tax profit of £555,000 in the half year to May 25, against a £955,000 loss in the same half last year. It is to pay a 0.25p interim dividend on October 3, the first

payout since 1994. Earnings per share were 1.1p, against losses of 2.5p previously. Turnover rose by 14 per cent, to £15.8 million.

New products, including a range of Spiderman snacks, helped to lift snack volumes by 9 per cent, year on year. Crisp volumes rose 6 per cent. Sid Taylor, chairman of Bensons, said the second half is expected to benefit from a seasonal drop in potato prices and from reductions in debt.

### EU entry for Glaxo anti-HIV treatment

By ERIC REGULY

GLAXO WELLCOME, the world's largest pharmaceuticals company, yesterday received European Commission approval to sell EpiVir, the anti-HIV treatment that gained notoriety at the recent Aids conference in Vancouver.

EpiVir, also known as 3TC, was one of the first drugs approved by the new European Medicines Evaluation Agency, based in London, which granted Glaxo a single licence to market it in all 15 EU countries. EpiVir has already been approved by the American regulators.

The European approval came shortly after an international trial showed that EpiVir, when used in conjunction with Retrovir, another Glaxo anti-HIV treatment, was effective in reducing the onset of Aids among HIV patients. EpiVir and Retrovir can also be combined with a so-called protease inhibitor, which blocks one of the enzymes essential for the virus to replicate.

EpiVir was discovered by BioChem Pharma of Canada and was licensed to Glaxo in 1990. Glaxo said it will be launched in Europe as soon as it completes pricing negotiations with the national health authorities. Glaxo shares finished at 893p, down 2p. Glaxo said it had agreed to form a "bioinformatics" online library with Oxford Molecular, the computer-aided drugs design group.



## Heinz Record Year for Heinz

I am pleased to report that H.J. Heinz Company achieved record earnings in Fiscal 1996. Global sales reached US\$9.1 billion for the year, more than US\$1 billion higher than the record set last year. Earnings per share progressed in kind, increasing 10% to US\$1.75 from US\$1.59. Operating income increased 11% from US\$1.16 billion to US\$1.29 billion. Heinz continues to be attractive to investors seeking consistent, double-digit earnings growth. Over the past two years, Heinz's stock price appreciated 52% during a period that saw a major secondary stock offering of nearly 21.8 million shares, a three-for-two stock split and two dividend increases. The total return over that period for Heinz shareholders who reinvested their dividends was 67%, or more than 29% compounded annually.

Looking ahead, Heinz has excellent growth opportunities in six core categories where we are driving for global leadership. These categories are: foodservice; infant foods; retail ketchup and condiments; petfood; tuna; and weight control.

What distinguished these categories is that they are all very large; they are all growing globally; and, more importantly, they are all businesses in which Heinz enjoys leading brand positions and unique resources. We should also note that 26 of our brands will, this year, record sales of US\$100 million or more. Five additional brands are on the US\$100 million threshold. In summary, our growth plan is clear and achievable. We will continue to strengthen worldwide leadership and leverage in our six core categories. We will consolidate our acquisitions, relentlessly cut costs and attain higher standards in production efficiency. We will continue to grow overseas, with particular emphasis on emerging markets.

Sales	US\$9.11 billion
Net Income Before Tax	US\$1.02 billion
Net Income	US\$659 million

As I told security analysts last March, Heinz management possess unique skills in marketing, operations and finance and in the mysterious art of making profits, and we are fortunate to be backed by the dedication of our 43,300 co-workers worldwide. Together, we are committed to achieving double-digit growth in Fiscal 1997 and to attaining and expanding world leadership in our six core categories.

Dr. A.J.F. O'Reilly

The above is extracted from the statement to shareholders of H.J. Heinz Company by the Chairman, President and Chief Executive Officer, Dr. A.J.F. O'Reilly, for the year to 1st May, 1996. The contents of this announcement are for the Directors of H.J. Heinz Company accept responsibility have been approved for the purposes of Section 57 of the Financial Services Act 1986 by Capgem & Latham, a firm authorised by the Institute of Chartered Accountants in England and Wales to carry on investment business. It must be stressed that the value of shares can fall as well as rise and that the past is not necessarily a guide to the future.

## Profits dented at restaurant chain

By CLARE STEWART

NEW DISHES on the menu that failed to prove a hit with diners, dented profits at the restaurant group. Break for the Border, as predicted at the time of the profits warning in March, profits growth was lower than expected, showing a rise of 10 per cent, to £1.1 million, in the year to March 31, though acquisitions boosted turnover by 74 per cent to £19.02 million. Break for the Border also announced yesterday the appointment of Vic Clarke as group finance director. He joins from

Dalgety and succeeds Simon Granger, who resigned with the profits warning.

The main problem area was the Howl at the Moon restaurant in London where higher than anticipated building costs and disappointing trade ran up losses of £400,000. The site has reverted to a Break for the Border restaurant, the Mexican food and live music format successful elsewhere in London and Dublin. Robert Gunlack, chairman, said results from this one venue "had disproportionately affected an otherwise excellent performance from our other units".

The strength of the Irish economy and rising tourist numbers helped the group's restaurant and hotel businesses in Dublin. Lawson Beaumont, the events organiser and catering business, which was bought in December, produced better than expected results.

Forward bookings are strongly ahead, with Christmas bookings up by 18 per cent. Mr Gunlack said.

Break for the Border is to pay an unchanged final dividend of 1.15p, which gives a total of 1.65p for the year, up 11 per cent. Shares ended 2p up, at 43p.







## THE TIMES CITY DIARY

### False market in info

UGLY scenes at the HQ of Barings yesterday for the announcement of the United Friendly/Refuge merger, after TV crews from around the world were barred. Anthony Bernbaum, assistant director of corporate finance at Barings, told TV crews: "It's very unusual to allow filming of a press conference of this nature under the takeover code... There might be a mistake when the story is reported. We have to be very careful not to create a false market." But Justin Rowlett, BBC economics reporter, branded Barings "offensive" for "trying to pull the wool over our eyes, suggesting that we were breaching a code". According to the Takeover Panel: "We do have a general rule where an interview is conducted that it is not interrupted, or distorted by comments, but it's no different between TV, radio or newspaper journalists."

### Superlegal

THE legal community is holding its breath to see whether Gordon Stewart, a partner at Allen & Overy and current chair of the Society of Practitioners in Insolvency, will repeat his storming performance at Fantasy Football. Last year Stewart, who claims to support Motherwell and Tottenham Hotspur, managed a league, cup and European trophy in the Allen & Overy league. He will now represent the firm in the legal superleague.

ALL seemed set for this Saturday's wedding in France between James Farrell, a solicitor with Herbert Smith, to Caroline Ford. But panic threatened when Farrell discovered that the organist due to play at their wedding is blind and didn't know their chosen music. A courier was dispatched to the National Library for the Blind in Stockport. The requested volumes were delivered to the organist the same day, in time for him to memorise it.



### Screened staff

NOT, you might think, an opportune time to start selling software. Undaunted, Alan Taylor, former MD of John Menzies, is launching Software City, a chain of up to 40 stores selling, cr, software. The first opens today in Leeds, in the new Citygate development, where Taylor's strategy is to concentrate on service rather than price. According to the man who aims to take the bubble out of technobabble: "Our staff are quite friendly nerds. Any shade of anorak should be satisfied with our customer advice."

### Pigeon pie

THE latest news since my suggestion yesterday that Healey & Baker, the surveyor, should consider taking on carrier pigeons, while the underground was at a standstill, traffic was piling up and their hi-tech fax was out of order. It is now up and running, and to celebrate the successful implementation of H&B's previously untested disaster recovery programme, the in-house dining room, under the express instructions of the IT department, will serve pigeon pie for lunch.

MORAG PRESTON



The changing face of forecourt shopping is reflected in Elf's Le Shop venture, which could soon move into stand-alone high street sites

# Oil companies seek healthy bite of food retailing market

Sarah Cunningham reports on the swiftly shifting boundaries of forecourt shopping

THE first customer to fill up at a Tesco petrol pump — in Rochdale, Lancashire, in 1974 — unknowingly set off a chain reaction that could see oil companies opening their own high street supermarkets, far from any petrol station forecourt.

The somewhat bizarre convergence of the oil and food retailing businesses is approaching its logical conclusion: Elf, the French oil company, is looking at six stand-alone high street sites in the UK for its Le Shop stores, while Shell says it is considering moving its Select stores onto the high street. Both companies, like the other oil majors, have been pouring resources into changing and developing their forecourt convenience stores into something a long way from the cigarette and soft drink kiosks that were available to the 1974 customer.

Tesco, which was soon joined in selling petrol by Sainsbury, Asda and Safeway, has begun testing its own petrol station forecourt format, Tesco Express. It has opened 11 so far, concentrated in the South East of England, and it plans to open three more by the year-end.

A petrol price war, sparked by oil companies' realisation that the supermarkets had gradually cornered around a fifth of the market, has pushed down forecourt fuel prices to the point where oil and supermarket companies are losing money on them. The war began in earnest in January when Esso launched its Price Watch campaign: the company monitors prices on all forecourts within a mile of each of its petrol stations and all supermarket forecourts within three miles, and aims to offer unbeatable prices. Naturally, all other petrol sellers have had to respond with similar efforts.

According to John Lawler, head of Shell's buying and merchandising unit, its 800 Select forecourt stores are "a way of making sites valuable until the price war is over".

It does not stop there, however. As an American who has been seconded from the US firm Strasburger Enterprises, a company that specialises in forecourt retailing, Mr Lawler does not think having oil companies and supermarkets competing head to head in each other's core markets is strange. "It seems perfectly natural," he says. "Products are products. We are just looking at the customer and saying 'what do you want?'"

Fat margins are what the oil com-

panies want. Remove sales of low-margin National Lottery tickets — which can account for up to 15 per cent of total sales — and Mr Lawler says Shell's forecourt convenience stores are making gross margins of 22 per cent to 30 per cent. In sales of some surprising products they have become big players.

Shell Select is now the country's fifth largest seller of sandwiches. Petrol stations have two advantages when it comes to convenience shopping: plenty of available parking and staff who man the stations, often for 24 hours a day. One big disadvantage, that very few of them can sell alcohol, may be overcome as it has been successfully argued in a few cases that more liquor sales are to people on foot, making the business primarily a shop and, therefore, eligible for a licence.

There is scepticism, though, about whether oil companies can make the breakthrough into successful high street food retailing. According to Richard Nyman of Verdict, the specialist retail consultants: "They need much

more expertise than they are demonstrating so far to make a good fist of neighbourhood retailing."

None of the oil companies has yet shown much of a feel for it yet, he says, and they risk being outclassed by the supermarket chains. "A Tesco petrol forecourt shop looks like a real shop. The staff are used to a retail environment," he says.

Mike Dennis, retail analyst at NatWest markets, reckons that "the major problem is getting round the consumers' perception that it is a petrol company selling them food". Mr Nyman detects signs of panic among oil companies.

"They are coming in from behind. Food retailers crept into petrol through the back door and oil companies have suddenly decided attack is the best form of defence."

The oil companies are all tackling the convenience retailing market in different ways. Some of Tesco's Star forecourt shops have brought in Pizza Hut, McDonald's and Dunkin' Donuts concessions, making it the leader in forecourt fast food. Working with established branded operators minimises the financial risk and also minimises customers' worries about the hygiene of mixing food preparation and petrol retailing.

Two smaller supermarket operators have begun working with oil companies on their forecourt stores: Budegen is opening up at some Q8 and Mobil stations, while Somerfield is running a trial with Elf.

All of the other major oil companies have developed convenience store

branding. BP has BP Express Shopping stores, which sell hot foods and bakery goods; Jet — the UK trading arm of Conoco, the US oil firm — has its Jiffy shops; Mobil has Mobil Marts; and Total has brought in Alldays, an established grocery company, as franchisees, signalling that it intends to target local and pedestrian shoppers.

They are all keeping a close eye on Tesco Express. The formula is to attach a small supermarket, around 2,000 sq ft, selling a wide range of chilled and fresh goods, next to a Tesco petrol station. So far, it has decided against selling hot, take-away food, one major growth area for other forecourt shops. But, although still at the trial stage, Tesco Express has prompted competitive moves.

Esso is now testing a similar type of store, called Fresh Ideas. It has opened four so far, all in the South of England, and each of around 2,000 sq ft and open 24 hours a day. There is no Esso branding in the shop, although you can pay for petrol at the till. The risk in following this route, analysts say, is that, by comparison with Tesco, Esso lacks the major food retailer essentials: centralised distribution, own-label development and sales-based ordering. For a company that is not used to selling fresh foods there can also be difficulties with ordering the right amounts and making sure it is sold before it is past its best. Esso says that it is still collecting data and has not decided whether to push on and open Fresh Ideas nationwide.

The whole notion of buying food from petrol stations and of eating snacks and meals in the car is very American, and there could be more cultural resistance in the UK than the oil companies would like. We are simply not yet accustomed to the idea of getting food from oil companies.

That said, the market for convenience stores is there and it is growing. It is early days yet, but as Mr Hyman of Verdict says: "It takes a great deal of skill to get convenience retailing right."

## BUSINESS LETTERS

### Greys can add colour to their lives with a policy of spend, spend, spend

From Trevor Openshaw

Sir, Having read your latest article about "grey power" (Janet Bush, August 6), please allow me to reveal some of the thinking that we greys have indulged in during the last few months.

During our working lives of perhaps 40 to 50 years we have been responsible for paying for our parents' pensions, and also their healthcare.

At the same time we have been encouraged to make provision for our own retirement through a variety of pension schemes, both private and government-controlled. Some of us have also managed to make savings to supplement whatever the pensions bring in.

It is now becoming clear that this may not have been the wisest policy as we are continually being told that the younger generation and the Government might not be prepared to fund this ongoing commitment, espe-

cially if we have already done so. Of course, those who have not bothered to provide for themselves will be supported by the state anyway.

There is also every indication that those of us who arrive at old age with any assets will have them stolen to fund amongst other things our healthcare, not allowing us to pass on the fruits of our labours to our children and grandchildren.

We therefore feel that we will have had the worst of all worlds so what is the point hanging on to assets when we can enjoy them now, and boost the economy into the bargain.

Consequently it should not be a surprise when "the nation's car showrooms are stamped with 'Pensioners' reg cars'".

Yours faithfully,  
TREVOR OPENSHAW,  
Three Pines,  
33 Ellesfield Drive,  
Farnham, Dorset.

### Transport Department wrong to keep skies open for British Airways only

From Mr Richard Branson

Sir, It is unbelievable that the Department of Transport see a monopolistic merger between British Airways and American Airlines as the "only realistic way for British airlines to tap into the vast American market" (Business section, Monday, August 5).

Such a view is nonsense since both the travel industry and the Civil Aviation Authority have clearly stated that the British Airways-American Airlines deal will dramatically reduce competition and only benefit one British carrier, namely British Airways.

If the Department of Transport really wanted competition and the rights for British airlines to be promoted effectively, then they should have asked for all British airlines to be allowed to operate domestic routes within the USA under

their own banner in return for similar rights for US airlines in Europe.

Such a move would at one stroke produce much more competition than any cosy deals behind closed doors by two of the world's largest airlines.

Virgin would love to fly domestic routes in the United States and we believe we have an international brand name which is strong enough to do so.

To be denied that opportunity under a charade "Open Skies" deal is the ultimate insult not only to us, but also to the consumer who will end up with skies controlled by British Airways and American Airlines leading inevitably to higher fares and lower quality.

Yours faithfully,  
RICHARD BRANSON,  
Virgin Management Ltd,  
120 Campden Hill Road,  
W8.

### Let shareholders decide board pay

From Mr Paul Foulkes

Sir, The headline of I. Stelzer's article (July 29) states that "Fat cats must learn to play fair". Indeed.

Neither boards of public companies nor MPs should ever decide their own salaries. In companies, this should be left to a vote by individual shareholders (excluding institutional investors, or other nominees); and for Parliament, to a vote by the electorate. In either case, the qualified voters would set a number of ranges, and choose one by secret ballot.

This would abolish the mutual back-scratching that now leaves management and Parliament in disrepute. Yours faithfully,  
PAUL FOULKES,  
24 Granville Park, SE13.

### A missed penalty or a goal saved?

From Mr Don Vincent

Sir, Why don't you report more accurately? (Business, August 5).

Gareth Southgate did not miss his penalty — it was saved by the goalkeeper.

I think Gareth Southgate is feeling low enough without you adding to his regret.

Yours faithfully,  
DON VINCENT,  
St Andrews Chambers,  
Wells Street,  
W1.

Letters to the Business and Finance section of The Times can be sent by fax on 0171-782 5112.

## Redundancies underscore the insurance shake-up, says Marianne Curphey

# Human cost of revolution among the insurers

A job in insurance was once as stable and secure as one in banking. The top men in the industry — and the senior managers are still predominantly male — typically worked their way up through the ranks to head the company they had joined in their teens.

Within the past decade, the image of the industry has changed dramatically. The catalyst was the appearance of the direct writers: the first, largest and most successful of which was Direct Line, dealing almost exclusively with its clients by telephone.

Direct Line, with its ubiquitous red telephone, young staff and high-tech underwriting came as a shock to the traditional world of insurance where reams of paper were shuffled from desk to desk and clients had to fill in their own claims forms instead of chatting to their insurer on the telephone.

Other direct writers demonstrated that a background in business or marketing was just as useful for promotion to executive level, as a lifetime working in the insurance industry itself.

As in banking, the rate of change has accelerated within the past 18 months. Building societies and banks are encroaching on insurers' traditional business, and insurers are venturing into the mortgage and banking sectors in an attempt to steal back some



John Cudworth, left, of Refuge, with George Mack, of United Friendly. Their merged United Assurance is now ranked fourth in the home service sector

of their custom. The emphasis is on cutting costs, keeping paperwork and staff numbers down and relying more heavily on computers to do the bulk of the work.

As a result, the announcement yesterday that Refuge and United Friendly are to shed around 1,800 staff and close an estimated 100 branches was only the latest in a long line of redundancies within the industry.

In May, Royal Insurance

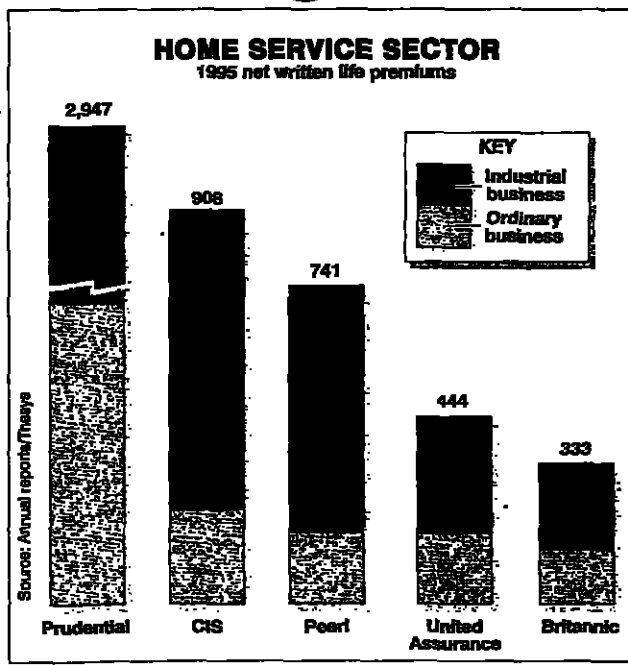
and Sun Alliance announced that they were to merge into a new company, Royal Sun Alliance, and said that 5,000 jobs would go, 4,000 of those being lost in the UK.

Small and medium-sized companies are gradually accepting that in a world where costs have to be kept down and margins are getting thinner, they are not big enough to survive alone. They need extra funds to invest more adventurously, to continue making

returns to existing policyholders and to attract new ones.

The rationalisation has already begun: Provident Mutual was taken over by General Accident last year and Clerical Medical, which had hinted that it was looking for a parent, is being taken over by the Halifax Building Society.

Five companies bid for Clerical Medical, which means there are four disappointed parties in the market currently looking for acquisitions.



United Assurance is now ranked fourth in the home service sector

Others, like Friends Provident, have indicated that they would not be averse to merging with rivals of a similar size or buying up bite-size rivals.

Scottish Amicable, Scottish Life and NPI head the list of mutuals that have been suggested as candidates for demutualisation or are suspected takeover targets.

But even the UK's biggest mutuals, which include Standard Life, Scottish Widows and Equitable Life, may have

to consider demutualisation in time, though all three currently maintain that they are committed to mutuality.

Dominating the entire market is the giant, cash-rich Prudential, which is looking to diversify in order to stay ahead of the game. The Prudential's name has been linked with the Woolwich and Alliance & Leicester building societies, and has also been touted as a possible buyer of one of the large mutual life offices, such

as Scottish Amicable or Scottish Widows.

The merger of Royal Insurance and Sun Alliance was the biggest shake-up in the insurance industry for more than a decade and it created the largest insurer in the UK.

Its rival, Guardian Royal Exchange, one of the weaker quoted composite insurers, is regularly cited by the City as a takeover candidate. Commercial Union is rumoured to have looked at both GRE and General Accident, while Legal & General may well be looking at mergers or acquisitions.

Britannic, Royal London, Liverpool Victoria and London & Manchester will now be looking at what the future offers them should they decide to attempt to remain independent.

In human terms, though, the cost of all this consolidation is high. The life and general insurance industry has already lost an estimated 16,000 jobs over the past five years, not including the redundancies announced in the past few months.

Some industry observers believe that the industry could lose half the current 200,000-strong workforce by the end of the decade. Whatever form the couplings, mergers and acquisitions take, one thing is guaranteed: the companies will talk excitedly about cost savings, while the staff will wonder what is to happen to their jobs.



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**TRADING PERIOD:** Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960	1959	1958	1957	1956	1955	1954	1953	1952	1951	1950	1949	1948	1947	1946	1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935	1934	1933	1932	1931	1930	1929	1928	1927	1926	1925	1924	1923	1922	1921	1920	1919	1918	1917	1916	1915	1914	1913	1912	1911	1910	1909	1908	1907	1906	1905	1904	1903	1902	1901	1900	1899	1898	1897	1896	1895	1894	1893	1892	1891	1890	1889	1888	1887	1886	1885	1884	1883	1882	1881	1880	1879	1878	1877	1876	1875	1874	1873	1872	1871	1870	1869	1868	1867	1866	1865	1864	1863	1862	1861	1860	1859	1858	1857	1856	1855	1854	1853	1852	1851	1850	1849	1848	1847	1846	1845	1844	1843	1842	1841	1840	1839	1838	1837	1836	1835	1834	1833	1832	1831	1830	1829	1828	1827	1826	1825	1824	1823	1822	1821	1820	1819	1818	1817	1816	1815	1814	1813	1812	1811	1810	1809	1808	1807	1806	1805	1804	1803	1802	1801	1800	1799	1798	1797	1796	1795	1794	1793	1792	1791	1790	1789	1788	1787	1786	1785	1784	1783	1782	1781	1780	1779	1778	1777	1776	1775	1774	1773	1772	1771	1770	1769	1768	1767	1766	1765	1764	1763	1762	1761	1760	1759	1758	1757	1756	1755	1754	1753	1752	1751	1750	1749	1748	1747	1746	1745	1744	1743	1742	1741	1740	1739	1738	1737	1736	1735	1734	1733	1732	1731	1730	1729	1728	1727	1726	1725	1724	1723	1722	1721	1720	1719	1718	1717	1716	1715	1714	1713	1712	1711	1710	1709	1708	1707	1706	1705	1704	1703	1702	1701	1700	1699	1698	1697	1696	1695	1694	1693	1692	1691	1690	1689	1688	1687	1686	1685	1684	1683	1682	1681	1680	1679	1678	1677	1676	1675	1674	1673	1672	1671	1670	1669	1668	1667	1666	1665	1664	1663	1662	1661	1660	1659	1658	1657	1656	1655	1654	1653	1652	1651	1650	1649	1648	1647	1646	1645	1644	1643	1642	1641	1640	1639	1638	1637	1636	1635	1634	1633	1632	1631	1630	1629	1628	1627	1626	1625	1624	1623	1622	1621	1620	1619	1618	1617	1616	1615	1614	1613	1612	1611	1610	1609	1608	1607	1606	1605	1604	1603	1602	1601	1600	1599	1598	1597	1596	1595	1594	1593	1592	1591	1590	1589	1588	1587	1586	1585	1584	1583	1582	1581	1580	1579	1578	1577	1576	1575	1574	1573	1572	1571	1570	1569	1568	1567	1566	1565	1564	1563	1562	1561	1560	1559	1558	1557	1556	1555	1554	1553	1552	1551	1550	1549	1548	1547	1546	1545	1544	1543	1542	1541	1540	1539	1538	1537	1536	1535	1534	1533	1532	1531	1530	1529	1528	1527	1526	1525	1524	1523	1522	1521	1520	1519	1518	1517	1516	1515	1514	1513	1512	1511	1510	1509	1508	1507	1506	1505	1504	1503	1502	1501	1500	1499	1498	1497	1496	1495	1494	1493	1492	1491	1490	1489	1488	1487	1486	1485	1484	1483	1482	1481	1480	1479	1478	1477	1476	1475	1474	1473	1472	1471	1470	1469	1468	1467	1466	1465	1464	1463	1462	1461	1460	1459	1458	1457	1456	1455	1454	1453	1452	1451	1450	1449	1448	1447	1446	1445	1444	1443	1442	1441	1440	1439	1438	1437	1436	1435	1434	1433	1432	1431	1430	1429	1428	1427	1426	1425	1424	1423	1422	1421	1420	1419	1418	1417	1416	1415	1414	1413	1412	1411	1410	1409	1408	1407	1406	1405	1404	1403	1402	1401	1400	1399	1398	1397	1396	1395	1394	1393	1392	1391	1390	1389	1388	1387	1386	1385	1384	1383	1382	1381	1380	1379	1378	1377	1376	1375	1374	1373	1372	1371	1370	1369	1368	1367	1366	1365	1364	1363	1362	1361	1360	1359	1358	1357	1356	1355	1354	1353	1352	1351	1350	1349	1348	1347	1346	1345	1344	1343	1342	1341	1340	1339	1338	1337	1336	1335	1334	1333	1332	1331	1330	1329	1328	1327	1326	1325	1324	1323	1322	1321	1320	1319	1318	1317	1316	1315	1314	1313	1312	1311	1310	1309	1308	1307	1306	1305	1304	1303	1302	1301	1300	1299	1298	1297	1296	1295	1294	1293	1292	1291	1290	1289	1288	1287	1286	1285	1284	1283	1282	1281	1280	1279	1278	1277	1276	1275	1274	1273	1272	1271	1270	1269	1268	1267	1266	1265	1264	1263	1262	1261	1260	1259	1258	1257	1256	1255	1254	1253	1252	1251	1250	1249	1248	1247	1246	1245	1244	1243	1242	1241	1240	1239	1238	1237	1236	1235	1234	1233	1232	1231	1230	1229	1228	1227	1226	1225	1224	1223	1222	1221	1220	1219	1218	1217	1216	1215	1214	1213	1212	1211	1210	1209	1208	1207	1206	1205	1204	1203	1202	1201	1200	1199	1198	1197	1196	1195	1194	1193	1192	1191	1190	1189	1188	1187	1186	1185	1184	1183	1182	1181	1180	1179	1178	1177	1176	1175	1174	1173	1172	1171	1170	1169	1168	1167	1166	1165	1164	1163	1162	1161	1160	1159	1158	1157	1156	1155	1154	1153	1152	1151	1150	1149	1148	1147	1146	1145	1144	1143	1142	1141	1140	1139	1138	1137	1136	1135	1134	1133	1132	1131	1130	1129	1128	1127	1126	1125	1124	1123	1122	1121	1120	1119	1118	1117	1116	1115	1114	1113	1112	1111	1110	1109	1108	1107	1106	1105	1104	1103	1102	1101	1100	1099	1098	1097	1096	1095	1094	1093	1092	1091	1090	1089	1088	1087	1086	1085	1084	1083	1082	1081	1080	1079	1078	1077	1076	1075	1074	1073	1072	1071	1070	1069	1068	1067	1066	1065	1064	1063	1062	1061	1060	1059	1058	1057	1056	1055	1054	1053	1052	1051	1050	1049	1048	1047	1046	1045	1044	1043	1042	1041	1040	1039	1038	1037	1036	1035	1034	1033	1032	1031	1030	1029	1028	1027	1026	1025	1024	1023	1022	1021	1020	1019	1018	1017	1016	1015	1014	1013	1012	1011	1010	1009	1008	1007	1006	1005	1004	1003	1002	1001	1000	999	998	997	996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## Retrospective rule review unlikely

**Stevenage Borough Football Club Ltd v The Football League Ltd**  
Before Lord Justice Hobhouse, Lord Justice Millett and Lord Justice Bingham  
[Judgment August 6]

In considering a challenge to the rules of the Football League, the court was concerned with three questions: (i) whether any, and if so which, of the rules was invalid; (ii) if so, whether it should grant a declaration to that effect; and (iii) if so, whether it should make an order, whether by way of injunction or declaration, giving effect to the rules as modified by the excision of those which it found to be invalid.

Even where it was satisfied that each of those questions required an affirmative answer, it would be an exceptional case in which it would be right to give retrospective effect to the modified rules.

The Court of Appeal so held in dismissing an expedited appeal by Stevenage Borough Football Club on the ground of delay against the refusal by Mr Justice Carnwath (*The Times* August 1) of its application restraining the Football League from imposing its criteria for membership of the league so as to refuse Stevenage admission to the league, and in dismissing a cross-appeal by the league against the judge's decision to award them only half of their costs.

Mr Nicholas Stewart, QC, for Stevenage; Mr Murray Rosen, QC, and Mr Tim Kerr for the league.

LORD JUSTICE MILLETT said that the current arrangements between the semi-professional Vauxhall Conference and the Football League provided that at the end of each season the bottom club in the third division of the league was relegated to the conference and was replaced by the club which won the conference championship, but only if certain criteria

were satisfied by the champion club.

There were several criteria for admission to the league but only two were relevant to the proceedings:

**Stadium capacity**

A minimum capacity of 6,000, with a minimum number of seats under cover, or 10 per cent of the ground capacity, whichever was the greater, was required. Any club wishing to be considered for promotion at the end of the season had to have completed all works necessary to qualify for promotion by December 31 in the current season.

**Financial criteria**

A club had to submit by January 31, audited accounts for the period to the preceding May 31 and a balance sheet and profit and loss account as at December 31. Those had to show a surplus of assets over liabilities and a retained profit in the current financial year.

It would be seen that those criteria had to be complied with before a club knew that it had won the conference championship. The 1995-1996 season was the third consecutive season that the championship club of the conference was denied promotion for failure to meet the criteria.

The requirements for admission to the league could have strange consequences. Thus Torquay United, which came bottom of the third division last season, escaped relegation to the conference because Stevenage, champion club of the conference, failed to satisfy the criteria for admission to the league.

Working the conference runner-up to the league's criteria, and if it had beaten Stevenage it would have been promoted and Torquay would have been relegated. Thus Torquay's continued place in the third division depended on whether Stevenage or Woking won the conference competition.

Moreover, Stevenage failed to

satisfy the criteria because it failed to meet the deadline. It had since brought its ground up to the required standard.

Accordingly, Stevenage would not be promoted even though it won the conference championship last season and even though its ground satisfied the criteria, whereas Torquay, which would not currently meet the financial criteria for admission to the league, would be relegated.

Mr Green, the chairman of Stevenage, wrote to Mr Hunter, the chairman of the conference, in late December 1995, in reply to a previous circular from him, informing him that the club would not complete its ground to the required standard by December 31. The clear implication was that Stevenage would not be competing for promotion during the current season.

The league issued a press release on March 12, 1996 explaining the criteria for admission and identifying the clubs which qualified and confirming that should a club which did not meet the criteria win the conference title that club would not be promoted.

Mr Green still gave no indication of his intentions but shortly afterwards spoke to the chairman of Torquay and drew attention to the fact that Stevenage would not qualify for promotion even if it won the championship, whereas Woking would do so.

Mr Green suggested that Torquay might like to help Stevenage achieve victory and thereby ensure Torquay's continued place in the third division. He suggested that Torquay might pay Stevenage £30,000 to retain its best player for them.

Counsel for Stevenage accepted that if that offer had been taken up the present proceedings would not have been possible. Nothing came of it but it was evidence which supported the judge's conclusion that even as late as March 1996 litigation was, in Mr Green's

mind, merely one of the commercial cards he had to play.

The league had served a respondent's notice in which it sought to uphold the judge's decision. They did not accept his conclusion that no deadline for the completion of ground improvements was necessary: experience, they alleged, had shown the contrary.

Nor did they accept his conclusion that the same criteria which governed admission to the league should necessarily be applied to clubs once they had been admitted. They would, however, take account of the judge's criticisms when they comes to set the admission criteria for the 1997-1998 season.

Mr Stewart submitted the judge's conclusion to trenchant criticism. The judge had found the relevant admission criteria to be in unreasonable restraint of trade, he submitted. It followed that he found them to be void and he ought to have made an appropriate declaration to that effect.

Mr Stewart's premise somewhat overstated the judge's finding: his conclusion ignored the fact that the declaration sought by his client was different. Stevenage did not seek for a declaration that the admission criteria were void, but for a declaration that Stevenage was "entitled" to be promoted to the third division for the forthcoming season. It was seeking to enforce its rights, albeit by way of a declaration, rather than an injunction.

Mr Stewart also criticised the judge for suggesting that Stevenage should have sought redress through the conference or the Football Association, and turned to litigation as a last resort.

His Lordship felt the force of his comment that it would have been unrealistic to expect either of them to have been of much assistance when they had adopted a firm and entrenched attitude. But the fact remained that Stevenage did not attempt to put

that to the test, even though it had two years in which to do so.

But Mr Stewart reserved his strongest criticisms of the judge for his finding that Stevenage had been guilty of unreasonable delay and that third parties had suffered damage in consequence.

It would, he submitted, have been commercially unrealistic for Stevenage, a relatively small club, to embark on a heavy and difficult action in the High Court with no certainty of success until it had won the conference championship. Until then there would be no benefit to the club even if it won the action.

Like the judge, his Lordship accepted Mr Stewart's submission that it was not unreasonable for Stevenage to wait until it had won the championship before it brought proceedings, although Mr Stewart had been unable to defend satisfactorily Mr Green's reluctance to indicate his intentions long before.

But all that missed the point. What was in issue was the validity of the rules for promotion and relegation to and from the league, not merely whether Stevenage should be promoted to the league.

Mr Stewart concluded by roundly asserting that the dismissal of the appeal would be a denial of justice. His Lordship did not agree.

If Stevenage's object was to challenge the basis on which the competition should be conducted in future, it had achieved a limited success. If it was to challenge the basis in which the competition was conducted last season, then it should not have waited until after the season was over. His Lordship regarded that as in accordance with elementary notions of justice and fair play.

Lord Justice Hobhouse delivered a concurring judgment and Lord Justice Millett agreed with both judgments.

Solicitors: Goldsmith Williams, Liverpool; Edge & Ellison.

## Whether offending words libellous a jury matter

**Berkoff v Burchill and Another**  
Before Lord Justice Neill, Lord Justice Millett and Lord Justice Phillips  
[Judgment July 31]

The question whether certain words had damaged a plaintiff's reputation by exposing him to ridicule could not be answered simply by considering whether the words were defamatory per se.

The words had to be considered in the light of all the surrounding circumstances in which they were published and in which the plaintiff's claim was made. It was for the jury to decide how the words, taken in their context, would be understood by the ordinary reader.

The Court of Appeal so held by a majority (Lord Justice Millett dissenting) when dismissing an appeal by the defendants, Miss Julie Burchill and Times Newspapers Ltd, from a refusal by Sir Maurice Drake sitting as a High Court judge on September 20, 1995, of their application by summons pursuant to Order 14A of the Rules of the Supreme Court, for a ruling that to call a person "hideously ugly" was not capable of being defamatory as alleged in the statement of claim of the plaintiff, Mr Steven Berkoff, and that accordingly his action be dismissed.

Mr James Price, QC, for the defendants; Mr Manuel Barea for Mr Berkoff.

LORD JUSTICE NEILL said that Mr Berkoff was an actor, director and writer who was well known for his stage, screen and television work. Miss Burchill was a journalist and writer who was retained to write articles about the cinema for *The Sunday Times*.

The *Sunday Times* of January 30, 1994 published Miss Burchill's review of a film *The Age of Innocence*, in which she wrote: "film directors from Hitchcock to Berkoff are notoriously hideous-looking people".

Nine months later Miss Burchill reviewed the film *Frankenstein* and described "the creature" by writing, inter alia, "It's a lot like Stephen Berkoff, only marginally better looking".

Mr Berkoff commenced libel proceedings alleging that passages

in the two articles meant and were understood to mean that he was "hideously ugly".

His Lordship said that words might be defamatory even though they neither imputed disgraceful conduct to the plaintiff nor any lack of skill or efficiency in his profession, if they held him up to contempt, scorn or ridicule or tended to exclude him from society.

On the other hand, insults which did not diminish a man's standing among other people did not found an action for libel or slander. The exact borderline was difficult to define.

Mr Berkoff's case was that the charge that he was "hideously ugly" exposed him to ridicule and, or alternatively, would cause him to be shunned or avoided.

It was argued for the defendants that the defining characteristic of defamation was injury to reputation and the fact that a statement might injure feelings or cause annoyance was irrelevant to the question whether it was defamatory.

It was contended for Mr Berkoff that his case fell into the residual class where words might be defamatory even though they did not involve an attack on a plaintiff's reputation in the conventional sense.

His Lordship said that it was not the right test to ask whether the words could be defamatory of anyone. The question whether the words were capable of having a defamatory meaning had to be answered in relation to the claim by the plaintiff.

If that was done, one had to look at the words and judge them in the context in which they were published. It might be that in some contexts the words "hideously ugly" could not be understood in a defamatory sense, but one had to consider the words in the surroundings in which they appeared.

The meaning of words in a libel action was determined by the ordinary reader's reaction and not by the publisher's intention, but the perceived intention of the publisher might colour the meaning.

It would be open to a jury to conclude that in context the remarks about Mr Berkoff gave the

impression that he was not merely physically unattractive in appearance but actually repulsive.

To say that of someone in the public eye who made his living, in part at least, as an actor, was capable of lowering his standing in the estimation of the public and of making him an object of ridicule.

It would be wrong to decide that preliminary issue in a way which would withdraw the matter completely from the consideration of a jury.

LORD JUSTICE MILLETT, dissenting, said that many a true word was spoken in jest; many a false one too. But chaff and banter were not defamatory and even serious imputations were not actionable if no one would take them to be meant seriously.

Physical beauty was not a qualification for a director or writer. Mr Berkoff did not plead that he played romantic leads or that the words imputed his professional ability. In any case, his Lordship did not think it was defamatory to say of an actor that he was unsuitable to play particular roles.

The words complained of were an attack on his appearance, not his reputation. His Lordship had no doubt that they were intended to ridicule Mr Berkoff but did not think they made him look ridiculous or lowered his reputation in the eyes of ordinary people.

A decision that it was an actionable wrong to describe a man as hideously ugly would be an unwarranted restriction on free speech. And if a bald statement that effect was not capable of being defamatory, a humoursly exaggerated observation to the like effect could not be.

People must be allowed to poke fun at one another without fear of litigation. Miss Burchill had made a cheap joke at Mr Berkoff's expense. She may thereby have demeaned herself, but it could not be said that she defamed Mr Berkoff.

Mr Berkoff's claim was as frivolous as Miss Burchill's article and the time of the court ought not to be taken up with either of them.

Lord Justice Phillips delivered a judgment concurring with Lord Justice Neill.

Solicitors: Theodore Goddard; Mishcon de Reya.

## Sawn-off shotguns demand deterrence

**Regina v Ashman**  
Those who involved themselves, even as minor or accessories, with sawn-off shotguns, which could have no legal use, had to expect sentences which contained a deterrent element. If past authorities suggested otherwise they were no longer useful as guidelines.

The Court of Appeal, Criminal Division (Lord Bingham of Cornhill, Lord Chief Justice, Mr Justice Owen and Mr Justice Connolly) so held in dismissing an appeal on July 11 by Mark Anthony Ashman against a 2½-year prison sentence imposed on April 17, 1996, at St Alban's Crown Court (Judge McMillan) on his plea of guilty to possessing a

firearm without a certificate.

MR JUSTICE CONNOLLY said that firearms offences were becoming more common. The maximum sentence had been increased by the Criminal Justice and Public Order Act 1994 from five to seven years as from February 3, 1995.

It was correct to observe that the new law properly applied was not material to this offence because the appellant had possessed the firearm both before and after February 3.

Nevertheless it was impossible to say, even though there were no aggravating features, that the sentence was either wrong in principle or manifestly excessive.

## Granting possession

**Boyle v Verrall**  
The court's discretion to grant a landlord possession under ground (b) of Part 1 of Schedule 2 to the Housing Act 1988 was not limited to exceptional cases.

The Court of Appeal (Lord Justice Auld and Lord Justice Thorpe) so held on July 25 allowing an appeal by Rita Madeleine Boyle against the dismissal by Judge Maher in Wandsworth County Court on August 3, 1995 of her action against Richard Hugh Verrall for possession of a flat at

207b Castelnau, Barnes, London.

LORD JUSTICE AULD said Mrs Boyle had intended to create an assured shorthold tenancy but had mistakenly failed to serve the required notice under section 20 of the 1988 Act nor given formal oral notice. Mr Verrall, a former council housing officer, had realised her mistake and decided to take advantage of it. The judge had been wrong to conclude that in the absence of oral notice he could grant possession only if the circumstances were exceptional.

## Right to bring action to enforce judgment

**E. D. & F. Man (Sugar) Ltd v Haryanto**  
Before Lord Justice Leggatt, Lord Justice Morritt and Lord Justice Brooke  
[Judgment July 17]

A party which had obtained judgment in its favour against another had a right to bring an action upon that judgment to enforce it, provided it was within the prescribed period of limitation.

The Court of Appeal so held in dismissing the renewed application of the defendant, Yanti Haryanto, for leave to appeal against the order of Mr Justice Longmore on September 19, 1995, when he granted the application of the plaintiff, E. D. & F. Man (Sugar) Ltd, for summary judgment in the sum of US\$24.5 million plus interest in respect of the plaintiff's action brought upon a judgment of Mr Justice Hobhouse on November 17, 1989, ordering judgment for the plaintiff in that sum in respect of an award in the plaintiff's favour made in arbitration proceedings between the parties in March 1989, relating to payment under two contracts for sugar which the plaintiff sold to the defendant in 1982.

Mr Nicholas Mervin, QC, and Mr Ali Malek, QC, for the defendant; Mr Richard Hacker

and Mr Ben Valentin for the plaintiff.

LORD JUSTICE LEGGATT said that although counsel for the defendant accepted that an action on a judgment lay under an existing judgment (see *Wyllie v Jones* (1845) 13 M & W 628, 633), it was submitted that the present case was novel since it involved the repetition of an earlier judgment in the same court.

His Lordship said that since an action would lie on judgment, there was no reason in principle why it would not lie on an earlier judgment of the same court: see *Halsbury's Laws of England* (4th edition (1979) volume 28, paragraph 702, p319).

It was not normally required because the process of execution would avail.

What was novel about the case was the lengths to which the defendant was ready to go to evade payment of the money due from him under judgments and awards.

Suing on a judgment could not be said to defeat legislative policy. But if the action brought did not offend against section 24 of the Limitation Act 1980, which forbade the bringing of an action on any judgment after the expiration of six years from the date on which judgment became enforceable, in the present case the later action was within the period.

There were two relevant ways of enforcing a judgment: by execution and by action. The court plainly was not giving judgment in an action on a judgment unless satisfied that the action did not constitute an abuse of process having regard to the availability of execution.

It would be for the defendant to show that any second action did so constitute the primary obligation was not that of the plaintiff to justify the bringing of further proceedings.

It favoured the defendant if, as the judge had held, the judgment was a matter of discretion. But the court had always held it to be, and in his Lordships' view it was, a matter of right: *Adams v Ready* (1861) 1 H & N 261, 264; *Godfrey v George* (1896) 1 QB 48, 51; *Savill v Dallas* (1915) 3 KB 174, 191; and *Stubbs v Allen* (1934) 2 WWR 459, 463.

If the judge had a discretion, his was an unattractive exercise of it. But if, as his Lordship believed, he did not, there was clearly shown a reason why execution might not suffice and so enforcement by further action was justified. Thus the second action constituted a sensible precaution.

Lord Justice Morritt and Lord Justice Brooke agreed.

Solicitors: Rosling King; Simmons & Simmons.

## Right to buy irrelevant for rent

**Dickinson v Enfield London Borough Council**  
Before Lord Justice Staughton, Lord Justice Hobhouse and Lord Justice Millett  
[Judgment July 30]

The right of a secured tenant to buy the freehold of the property should not be taken into account in determining a reasonable rent on review.

The Court of Appeal so held in dismissing an appeal by Edward Hicks Dickinson from a decision of Judge Barry Green, QC, in Edmonton County Court on February 10, 1995 concerning the rent of The Hollies, 241 The Ridgeway, Enfield, but allowing the appellant a declaration that the right to buy should not be taken into account in determining the rent.

Mr Derek Wood, QC and Miss Daphne Romney for the tenant; Mr Wayne Clark for the council.

LORD JUSTICE MILLETT said the tenancy was for 20 years from August 1, 1984 at a rent of £3,150 with provision for rent review every five years. The tenant had

exercised his right to buy the property under the Housing Act 1985.

Among the issues before the court was whether, in fixing the reviewed rent, the court should take account of the fact that the tenant had exercised or might exercise his right to buy the freehold at a discount to the market value.

Clearly such a right was relevant to the determination of a market rent, but in the instant case the court was required to determine the rent it was reasonable for the tenant to pay and the landlord to receive in all the circumstances.

The court had to take into account the fact that the right had been conferred by Parliament with the deliberate purpose of inducing secured tenants to buy their homes and take them out of the public sector.

Whether Parliament could have intended the landlord to recoup the discount by obtaining an increased rent by reference to its existence was not strictly material, since whether it was entitled to do so depended on the true construction

of the tenancy agreement and not of the Act.

But in considering what it was reasonable for the landlord to demand for the tenant to pay, the nature and purpose of the right to buy were highly material.

Given the purpose of the statute, it would not be reasonable (a) for the landlord to take advantage of Parliament's generosity to the tenant in order to obtain an increased rent for itself or (b) for the tenant to be required to pay an increased rent while he continued to occupy public sector housing because he had been offered a monetary inducement to leave it.

His Lordship did not consider that the existence of the right to acquire the freehold could be separated from the right to acquire it at a discount.

The rent should be determined without reference to the right to buy.

Lord Justice Hobhouse agreed. Lord Justice Staughton dissented on the grant of the declaration.

Solicitors: Malkins; Mrs Tina Gold, Enfield.

## Using extended sentence powers

**Regina v Powell**  
Where a judge invoked section 2(2)(b) of the Criminal Justice Act 1991 in sentencing an offender for a violent or sexual offence there was no requirement upon him to indicate that sentence which he would have passed had he not intended to use those powers.

The Court of Appeal, Criminal Division (Lord Bingham of Cornhill, Lord Chief Justice, Mr Justice Owen and Mr Justice Connolly) so held on July 10 in allowing in part an appeal by

Michael Clive Powell against a sentence of three years imprisonment imposed on January 5, 1996, at Leicester Crown Court (Judge De Mille) on a plea of guilty to indecent assault on a female.

MR JUSTICE OWEN said that it was not disputed that the judge was entitled to invoke section 2(2)(b) of the Criminal Justice Act 1991 in sentencing the appellant.

It was contended that he did not say what sentence he would have passed had the circumstances been different. But there was no such requirement.

On October 12, 1995 the ombudsman sent his provisional determination to the appellants, who had replied, inter alia:

1 The finding did not represent or reflect Mr Kural's complaint in any correspondence they had seen; 2 Their entitlement to exoneration under clause 21 had been ignored; 3 The responsibility for non-payment to Mr Kural of his full entitlement lay with the company, not with the trustees and 4 Implementation of the directions would give Mr Kural a priority over other members of the scheme to which he was not entitled.

The final determination, issued on December 5, 1995, had been essentially unaltered. Mr Kural's letter of August 4, 1995 was only disclosed under cover of a letter to

What he was required to do was to bear in mind the danger of serious risk to the public of the appellant's re-offending and in the light of that to decide what the appropriate sentence was.

He decided that the appropriate sentence was three years and their Lordships could see no proper criticism to be made of that decision on his part.

However, the consecutive sentences for breach of probation orders imposed for earlier offences would be ordered to run concurrently rather than consecutively.

It was also remarkable that both provisional and final determinations ignored clause 21 of the deed. Such clauses constituted part of the terms on which trustees accepted appointment and provided protection for their conduct as trustees.

There had been no suggestion of any wilful default, nor could there have been.

Finally, the appellants were not guarantors of the sufficiency of the scheme's assets so as to pay Mr Kural his full entitlement, nor could they, consistently with the trusts and their obligations to other members, pay Mr Kural more than his fair share.

In all the circumstances, there would be an order that the Pension Ombudsman pay the other parties' costs of their appeals.

Solicitors: Jacobsons; Halls; Sucker & Partners.

## Pensions Ombudsman must observe statutory fairness procedures

**Seifert v Pensions Ombudsman and Others**  
Before Mr Justice Lightman  
[Judgment July 30]

The Pensions Ombudsman had to comply with the statutory procedure, designed to ensure fairness, contained in section 149(1) of the Pensions Schemes Act 1993 and with the principles of natural justice, which required of him that he made clear what specific allegations were made by a complainant, and confined his determination to such as had been clearly notified to those concerned.

Mr Justice Lightman so held in the Chancery Division when allowing appeals by John Seifert, Anthony Lynch and Philip Helm, former trustees, and Fairmount Trust Services Ltd from a determination dated December 5, 1995 of the Pensions Ombudsman, Mr Julian Farrand, QC, whereby he upheld complaints by Mr Erdogan Kural of maladministration by the former trustees and by

his erstwhile employer, Seifert Ltd, and ordered:

(i) Fairmount, which had in August 1992 been appointed by Seifert's administrative receivers as independent trustees to act in winding up the Seifert Group Pension & Life Assurance Scheme, and Mr Helm, Mr Seifert and Mr Lynch having retired as trustees in October 1992, inter alia:

(a) within two months to begin payment to Mr Kural of benefits based on a quotation prepared by Guardian Assurance plc, provided to Mr Kural on February 17, 1992, with effect from June 8, 1992 and with interest;

(b) to reduce the deferred benefit rights under the group scheme of Mr Seifert and Mr Lynch sufficiently to fund Mr Kural's benefits;

(c) that within one month there be paid to Mr Kural, as compensation for the upset and inconvenience constituting injustice sustained by him from their maladministration: (a) £900 by Mr Helm; (b) £300 each by Mr Seifert and Mr Lynch.

Clause 21 of the group scheme

deed provided that its trustees "shall not be liable for acting on the advice of the auditor or the actuary ... or any other professional advice nor shall any trustee be liable for any acts or omissions not due to his own willful neglect or default".

Section 149 of the Pensions Schemes Act 1993 provides: "(1) When the Pensions Ombudsman proposes to conduct an investigation into a complaint made ... he shall give (a) the trustees and managers of the schemes concerned, and (b) any other person against whom allegations are made in the complaint ... an opportunity to comment on any allegations contained in the complaint ..."

Mr David Rees for Mr Seifert; Mr Paul Newman for Mr Lynch and Mr Helm; Miss Josephine Hayes for Fairmount; Mr Kural in person.

MR JUSTICE LIGHTMAN said the appellants contended that the Pension Ombudsman's determination was vitiated, not merely by errors of law but by

maladministration, that is, the unjust way he reached it. Both complaints were well made out.

Prior to issuing his provisional determination, the ombudsman had sent to each appellant copies of earlier letters written by Mr Kural, and then sent copies of his replies to Mr Kural.

On August 4, 1995 Mr Kural had replied to him in a most important letter, not confined to the appellants' answers but making far-reaching and damaging further complaints, including that:

1 All company decisions were made by Mr Helm and five executive shareholders, Mr Kural, although a director, being excluded from the decision-making body;

2 The appellants were responsible for the deficit in scheme funds by reason of culpable failures (a) to secure further contributions by the company and (b) to move the funds to another assessor;

3 The company, if unable to fulfil its financial obligations under the scheme, was breaking the law by continuing to trade and the appellants also being employers were

fully aware of the situation and failed to carry out their fiduciary duties;

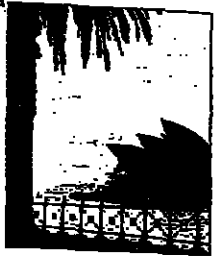
4 Mr Helm was telling untruths.

According to the ombudsman, his failure to disclose his receipt of that letter to any of the appellants had been due to an administrative failure in his office.

On October 12, 1995 the ombudsman sent his provisional determination to the appellants, who had replied, inter alia:

1 The finding did not represent or reflect Mr Kural's complaint in any correspondence they had seen; 2 Their entitlement to exoneration under clause





## VISUAL ART

It may not be the equal of Venice, but the Sydney Biennale offers an engaging show by 46 world artists



## THEATRE

The longest-running show in New York history, the musical *The Fantasticks*, is revived in a genial staging in London

## THE TIMES ARTS



## MUSIC 1

A Proms audience is asked to participate as Martyn Brabbins conducts a Tan Dun premiere



## MUSIC 2

The London Mozart Players help bomb-damaged Sarajevo reopen its cultural horizons after years of war

**VISUAL ART:** This year's Sydney Biennale was short of cash but rich in talent, says Luke Clancy

## Low-tech on top down under

The title of this year's Sydney Biennale, *Jurassic Technologies Revenant*, was one at which locals and visitors alike could hardly resist taking potshots. Even before the three-venue show opened to the public, *The Sydney Morning Herald* had opened fire. "I may not know much about art exhibitions," the *Herald* said, "but I know what I don't understand."

This kind of media reaction might explain, to some extent, why the city of Sydney seemed so unmoved by its Biennale. Even a television campaign featuring Japanese artist Yasumasa Morimura's image of himself disguised, with the aid of a pair of strap-on rubber breasts, as a naked Marilyn Monroe, did not seem to jolt the city into anything like the frenzied state of Venice during its Biennale.

Which is a shame, as Lynne Cooke, the Australian-born curator at the Dia Centre for the Arts in New York, and artistic director of the tenth edition of Australia's biggest festival of contemporary arts, had assembled a diverse, polemical and never less than engaging show that brought together work by 46 international artists.

The cumbersome Jurassic title was not the first that Cooke gave to her show. Advanced publicity had billed this event as *Screen Options*, an event which was to have been a full-on, bells, whistles and chips multimedia Biennale. Cost and other factors soon intervened and Cooke's sound response was to take the show in entirely the opposite direction.

It was a move that must

have met with support from the Londonderry artist and former Turner Prize nominee, Willie Doherty. In a forum at Sydney Town Hall about the place of new technology in art, Doherty drew an enthusiastic round of applause when he observed that technology lagged somewhere behind many people's needs: it was just too slow for most artists.

Cooke's switch to a show built on older technologies, overwhelmingly photographic ones, suggests that the notion that digital technology was somehow lumbering in the cultural aftermath is one held by some fascinating artists.

Alongside printing and photography, there is sculptural knitting from Rosemarie Trockel, batik from the American-Indonesian pair of Nia Fliam and Agus Ismoyo, X-rays by Araya Rasdjarmrearnsook, and huge architectural models from the Swiss team of Jacques Herzog and Pierre de Meuron.

But it was unquestionably the work of photographers, both in still and moving images, that came across most effectively. Doherty's familiar images, often of burnt-out cars or derelict buildings, are frequently seen only in relation to the political situation in Northern Ireland. In the Art Gallery of New South Wales, however, when juxtaposed with the crisp, numb architectural images of Andreas Gursky, or the equally demanding flat, calm monochrome seascapes of Hiroshi Sugimoto, new ideas about the business of giving and taking meaning begin to emerge.

The American artist Glenn Ligon fills one room of the



Douglas Gordon's homage to Hitchcock, *24 Hour Psycho*: one of the successes of the tenth Sydney Biennale

gallery with mammoth prints based on newspaper photographs taken at Louis Farrakhan's Nation of Islam Million Man March last year. Ligon has photocopied the images until pictures originally intended to be blandly uplifting become shadowy and vague, underlining the rhetorical attractions of Farrakhan's project, while at the same time pointing to the sexist and homophobic terms in which the action was conceived.

The French photographer Jean-Luc Myllye gathers his images by setting up his cameras in rural and semi-rural settings, and waiting for some birdlife to fly into his surprisingly ominous frames. He then displays the resulting images as a sort of accidental narrative, as (in the sequence here) a robin moves about a woodland, as though trapped inside an art thriller it cannot quite comprehend.

The thrills of cinema were very much to the fore in another of the exhibition's venues, Artspace in Woolloomooloo. Here a number of artists whose works feed off cinema have been given space together. Alongside Stan Douglas and Tony Oursler, the Scottish artist Douglas Gordon garnered a large portion of the media attention with his *24 Hour Psycho* (seen at London's Hayward Gallery earlier this year). Gordon's piece features Hitchcock's celebrated film projected so slowly that it lasts an entire day, darkening even the director's most innocuous scenes with a sense of danger.

In the same venue, Claude Closky's video projection, *En Avant*, seemed to offer a companion piece to Gordon's work. Equally obsessed with the seventh art, Closky had trawled through the trailers on rented videos to pick tracking shots, none of them longer than two seconds. Edited into one speedy, seamless sequence, the fragments create a vertiginous trailer of trailers.

Squatting close to the lowest rung on the technological ladder did not inhibit Barcelona-based Eulalia Valldosera from creating one of the most compelling, disarmingly poetic works of the show, *Love is Sweeter Than Wine, Three Stages of a Relationship*. Through careful positioning on the floor of some beakers of watery wine, lightbulbs, mirrors and a couple of record turntables, the artist creates three compact DIY movie houses.

On the gallery walls, moving shadows offered a flicker of complex but harmonious relationships, before disappearing so quickly that they might have been dreamt. Building virtual worlds, Valldosera effortlessly demonstrates, is a trade that can flourish readily in the absence of computers.

## The healing harmonies

Andy Lavender joins the London Mozart Players on a cultural mission to war-scarred Bosnia

Last week the first train for four years left Sarajevo. By coincidence, six musicians from the London Mozart Players were entering the city by rather different means — a twin-propeller security flight from Vienna — in the first British-sponsored musical visit to Bosnia and Herzegovina since the outbreak of the war there in 1992. Hostilities ended last winter, and these new comings and goings mark another stage in the country's recuperation.

Seen at first hand, it is as if the shelling still echoes. The palette of violence ranges from the destruction of entire buildings to details such as a bullet hole through the windscreen of a car. A massive international aid operation is changing the face of the city again. Windows are being reglazed, utilities restored and cafes are now plentiful. Even so, there is still a curfew, water and electricity supplies are curtailed, and every building seems to be pined with shrapnel damage.

The British Council in Bosnia and Herzegovina, under its director Susan Barnes, is doing its bit to reopen the country's cultural horizons. What could be more cosmopolitan, more civilised, than chamber music? In this spirit the council, collaborated with the Swiss Embassy in Sarajevo to import the LMP's chamber ensemble.

The Dayton agreement of last December divided the country into two regions: the Federation of Bosnia and Herzegovina (a shaky cohabitation between Croats and Muslims) and the Republic of Srpska (predominantly Serbian). Repoliticised insists that everyone is studiously even-handed: Sarajevo is part of the federation, so the LMP also visited Banja Luka, the largest city within the republic.

Culture, in this case, is part of a delicate system of promise and reward. As Charles Crawford, the new British Ambassador to Bosnia, explains: "We're trying to say, 'This is Europe. We want things to be normal, and there's more of this on offer if normalisation continues'."

Banja Luka looks drab but its cultural authorities have a sense of dash. The concert was proclaimed on the programme as a uniquely Srpskan event. This may mean little to you and me, but to diplomats such as Crawford it is a poke in the eye to those working to promote national harmony.

But music will be heard. Aside from the statutory congregation of military brass bands, the packed audience included a large number of local people. "I felt nervous," said the LMP's leader, David Juritz. "They were very quiet and attentive." They were indeed, until the standing ovation at the end.

You could almost think this *de rigueur* for the LMP. Juritz tells of a visit to the Musikverein in Vienna, home of the Vienna Philharmonic. "You can imagine an orchestra, with the audacity to call itself the London Mozart Players, going to play Mozart in Vienna," he says drily. "In fact it went very well. We gave four or five curtain calls."

This might betoken a taste for adventurous assignments, but the musicians would be the first to put things into perspective. There were times during the Bosnian conflict when their counterparts in Sarajevo's orchestra carried their instruments through the tunnel which ran beneath the airport runway and trekked for six hours to play in other friendly cities. Some lost their lives.

For the LMP, strangely, there was no standing ovation in Sarajevo. Perhaps the Swiss had organised the concert a little too much like, well, clockwork. This was an invitation-only affair. Civic dignitaries, diplomats and senior officers were there — what a shame that the half-empty hall could not have been filled with the citizens of Sarajevo.

The ensemble played music by Britten, Dvorák, Vivaldi and Mozart, and suddenly the notion of a "privileged" audience took on a different hue. There are few cities in the world where you might have pondered, in the middle of a Mozart divertimento, that there were no shells about to fall, no snipers in wait when you made your way home.

The ensemble gave an unscheduled *ad hoc* performance on their last day which attracted an inquisitive crowd, not knowing who these gifted players were. For the record, David Juritz, Richard Blayden, Esther Geldard, Sebastian Comberti, Mary Scully and Ileana Ruhemann were among the first British-based musicians to play in Sarajevo since the end of the Bosnian conflict. Twenty thousand people died here during the siege. It seemed right that the players' farewell to the city was anonymous.

## Choking on a thick slice of sweet homily



True love conquers all: Jonathon Morris (El Gallo); Katie Crawford Kastin (Luisa); Joseph Millson (Matt)

## THEATRE

### The Fantasticks King's Head, NI

THERE are at least two reasons why *The Fantasticks* may plausibly be called the transatlantic *Mousetrap*. One is that it is the longest-running show in New York history, although at 36 it is almost a decade younger than Agatha Christie's thriller. The other, I fear, is that by the time you reach its denouement, you are unlikely to care much how things turn out.

Dan Crawford's rough-theatre revival cannot claim much more than curiosity value. How could so slight and, on the face of it, un-American piece have such an appeal over the water? It teaches that, yes, a nice boy may end up hitched to the pretty girl next door, but only after each has received hard knocks from life. Puppy love and instant gratification are no good. Happiness must be earned and marriage solidly based. Even in 1960, those were not messages often transmitted by the American musical theatre dream-factory.

But the show's attack on cuteness and romanticism, if one can so dignify it, is awfully cute and romantic itself. Why

else would the first half, in which sweetness and light appear to prevail, bubble on so much longer than the second, which introduces some salutary darkness into the emotional equation? The idea, you see, is that Farmer Bellamy and Farmer Hucklebee have pretended to be feuding in hopes that their children will rebel against them. Joseph Millson's Matt and Katie Crawford Kastin's Luisa duly fall into one another's arms, their callow ardour all the greater because their poppas have primed some actors to abduct the girl and let the boy boldly rescue her.

Kastin has lots of gamine charm, and Millson smiles affably as he bizarrely assures her that "you are love, better far than any metaphor could be". But I cannot say they vastly interested me in their predicament. Maybe that is

because I have never much enjoyed conversations about the weather, and at times they sing of little else: "Soon it's going to rain. I can see it, soon it's going to rain. I can feel it, soon it's going to rain. I can tell, soon it's going to rain, what'll I do with you?" From your critic there rose a muffled cry: buy a bloody umbrella.

Harvey Schmidt's music tinkles pleasantly along, and is certainly a cut above Tom Jones's lyrics (on the virtues of vegetables: "they're dependable, they're betriable"). But at least the show has moved into a mildly sceptical mood by this time. Learning that they have been tricked by their dads, Matt and Luisa decide to part. Only after he has spent time in nasty foreign places and she has been betrayed by a smooth wooer do they find real love.

Well, well. It would be absurd for a critic to wax too heavy about this tiny tootle, unpretentiously staged as is by the admirable Crawford and genially played by a cast headed by Jonathon Morris as the blend of narrator, Bohemian, bandit and moral instructor

for who calls himself El Gallo. This dude looks very cool in his vaguely Spanish clothes and flowing, Byronic locks. Was it perverse of me, then, to notice that his vast and glamorous wig was held in place by the sort of curly brown hairpins you can buy in Woolies?

BENEDICT NIGHTINGALE

## You can hum along to this next number

## BBC PROMS

BBC SSO/Brabbins  
Albert Hall

wailing mode of vocalisation drawn from Peking opera.

Ritual-inspired it may be, but the work is also highly theatrical. You had to be there, to be part of the experience. And if you were, you were very probably moved by it.

Also receiving its London premiere was Tan's *On Taoism*, which the composer himself initiated in startling fashion, emitting a howl from the auditorium, and processing slowly down the steps to the orchestra, alternately vocalising and ringing tiny Chinese bells.

More conventional fare was offered in the form of Schumann's Piano Concerto and Walton's Second Symphony, both under the direction of Brabbins. The former began

promisingly with a subtly phrased wind chorus, answered by a deeply thoughtful statement from the soloist Lars Vogt. Somewhere along the line the account lost that very special quality, though it was never less than elegantly projected by both soloist and orchestra.

What Walton's Second lacks in incisive brilliance, it makes up for in succulence, refinement and introspection. One or two of the more brazen passages would have benefited from tighter ensemble and razor-sharp precision. But the restrained quality of the work was acknowledged, and the subdued mood of the slow movement well captured.

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## POP 1

Drum'n'bass hero Alex Reece, in his debut solo album, delivers a summery sound accessible to all



## POP 2

Two great songs strengthen Tom Petty's performance on his latest, the soundtrack for the film *She's The One*

## THE TIMES ARTS



## POP 3

Two biographies explore the Oasis phenomenon and dish the dirt on the brothers from Manchester



## POP 4

Twenty-one years since the release of her first album, and Patti Smith still performs with unravaged power

## CONCERT

## Perfect punk power

IT IS now 21 years since Patti Smith released her ground-breaking debut album, *Horses*. But to see her wearing the same kind of white shirt, loosely slung tie and man's jacket that she wore on the record's famous Robert Mapplethorpe cover, you would hardly notice the passing of time.

Sure, her long dark hair is streaked with grey and she drew attention to the fact that she now needs glasses to read her poetry, but as soon as she launched into the opening *Piss Factory*, it was obvious that the power of her performance remains unchanged.

Smith has not played in London since 1979 and was fortunate to have with her two members of the original Patti Smith Group — guitarist

Patti Smith  
Empire, W12

Lenny Kaye and drummer Jay Dee Daugherty — plus Tom Verlaine, another veteran of the New York punk scene, bassist Tony Shanahan and guitarist Oliver Ray, all of whom played on *Gone Again*, her recent comeback album. One obvious addition to Smith's band was her 13-year-old son Jackson, who led everyone through an unlikely cover of Deep Purple's *Smoke on the Water*.

The majority of the set, however, revolved around songs that the audience had expected to hear, including *Dancing Barefoot* and the 1978 hit single *Because of the Night*. But it was the old songs from *Horses*, particularly a stunning rendition of *Free Money*, and the new ones from *Gone Again* that brought out the best in Smith.

For the encore, Smith, Daugherty and Shanahan did an acoustic version of the Doors' *Crystal Ship*, and were then joined by the whole band and *Horses* producer John Cale to perform *Land and Gloria*, with all their original passion intact. She returned on her own to sing *Freeway Reel*, which she dedicated to her late husband, Fred "Sonny" Smith. But, after playing the wrong chord several times, she laughed at her mistakes, and eventually sang it a cappella, while the crowd clapped a rough accompaniment. In an age of all kinds of technical safety nets, it was gratifying to be able to hear the power of Patti Smith's unravaged voice.

ANN SCANLON

## NEW RELEASES: Alan Jackson on a drum'n'bass album for safe domestic consumption

## Roll up the old Axminster

## ALBUMS

## ALEX REECE

*So Far* (Island BRCD 621/534 265-2) THERE must be thousands of mainstream music consumers who were unaware of the concept of drum'n'bass until Ben Watt and Tracey Thorn used it to frame and gently enliven the songs on *Everything But The Girl's* excellent recent LP, *Walking Wounded*. But that was drum'n'bass on its best behaviour, dressed nicely and under strict instructions not to upset the neighbours: the sometimes unremitting and anti-melodic nature of its hardcore, clubland self is liable to have come as a shock to any EBTG fans emboldened enough to explore the genre further.

The 26-year-old west London DJ and remixer Alex Reece would doubtless bristle at being described as the acceptable face of this currently high-fashion styling. However, on the evidence of this debut album, he may offer a useful way in for those listeners who only feel comfortable when there is something approaching a tune to be whistled.

With its jazz flavourings and jungle beats, *So Far* hardly qualifies as instrumental easy listening, but there is a seductive, high summer feel to many of its tracks (the recent hit single *Feel the Sunshine* represents a good starting point for the timid) and a warmth to the bass lines missing in the work of many other young and more deliberately underground exponents. With repeated play, the album becomes hypnotic, almost, with all kinds of subtle hooks and percussive tricks revealing themselves. Dance albums that stand up to domestic consumption are few and far between, but this musically strong and highly enjoyable set is definitely one of them.

## JOYRIDER

*Be Special* (Paradox/A&M PDXCD005) THE shadow of U2 blighted emergent Irish bands for the best part of a decade, and it has been especially pleasing to see younger acts as diverse as



Rhythm method: west London DJ Alex Reece offers a useful way into drum'n'bass for those who want a tune to whistle

Therapy? Ash and Pet Lamb breaking through with barely a power chord or stadium pose between them.

It was on Blunt, the independent label co-owned by Andy Cairns of Therapy?, that this Portadown quartet were first heard. Now, thanks to a distribution deal with a major player, A&M, a wider audience is being made aware of their short, spiky, guitar-driven songs.

A recent cover of the former Go-Go's singer Jane Wiedlin's *Rush Hour* gave them a first chart hit but could encourage perceptions of them as a novelty act. However, the 14 fast and often furious tracks

on this debut album show they have much more to offer. Tumbling guitars and tight harmonies sweeten an otherwise bitter pill. Joyrider are particularly good at dissecting small-town inertia, and the whole musical package is put across with all the one-blink-and-you've-missed-it energy of a passing hot-rod.

stodge and the swooningly intelligent pop at which, at his best, he excels.

Rubin remains in place here, on this soundtrack to a romantic comedy vehicle for *Friends* star Jennifer Aniston. And, though the quality controllers have again allowed some weak material to get

through the net, it is a stronger performance overall than last time out, with the two best songs, *Walls* and *Angel Dream*, each given a reprise. And if it should turn around his fortunes in Britain, Petty will probably have Aniston's current media-sexy status to thank.

## TOM PETTY AND THE HEARTBREAKERS

*Songs and Music from the Motion Picture She's The One* (Warner Bros 9362-46285-2) STILL a multi-platinum hero at home in America, Petty seems destined to be forever linked in the minds of British record buyers with the early 1980s — someone whose albums you might have bought as an alternative to Spandau Ballet and Wham!

His last studio set, 1994's *Wallflowers*, marked the end of a long-standing creative partnership with producer Jeff Lynne, teaming him instead with the altogether more hip Rick Rubin. That detail apart, it was pretty much business as usual — equal parts formula

## TOP TEN ALBUMS

- 1 Jagged Little Pill ..... Alanis Morissette (Maverick)
- 2 The Smurfs Go Pop! ..... Smurfs (EMI TV)
- 3 Moseley Shoals ..... Ocean Colour Scene (MCA)
- 4 Reassuring Dream — Best Of ..... Crowded House (Capitol)
- 5 (What's the Story) Morning Glory? ..... Oasis (Creation)
- 6 Falling Into You ..... Celine Dion (Epic)
- 7 The Score ..... Fugees (Columbia)
- 8 Free Peace Sweet ..... Dodgy (A&M)
- 9 Everything Must Go ..... Manic Street Preachers (Epic)
- 10 Older ..... George Michael (Virgin)

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## Oasis — the cover versions

Only two albums into their career, Manchester's most famous brothers are already the stuff of biography

M ost of us would need a brain transplant to get our heads around just how famous Oasis are. They are super huge colossal news with a side order of "Cor, that's big". So massive that, should you wish to purchase Noel Gallagher's favourite brand of guitar, you would have to put your name on a six-month waiting list. So massive that, when Liam modelled a zip-up anorak — not the most likely item of fashion — they sold out instantly.

And, of course, when a band get to this level of fame, where even the minutiae are news, then innumerable biographies are not far behind. But when a band are only two albums into their career, there has to be a hunger for enough biographical detail — known in the trade as "wobbling on to reach your word count" — in order to fill a book.

Oasis have not really done that much, truth be told. Liam has "done it" with a few women. Noel has written some top tunes, they have sold out dozens of big gigs and taken loads of drugs. But I have written the Oasis there, I have words, and books story in 27 words, and books have to be at least 60,000 or thereabouts. Let's check out the quality of this month's biographical padding.

Mick Middle's *Round Their Way* is published by the thoroughly admirable Independent Press, a bedroom operation that gives star-struck writers a chance to hyperventilate between paperback cov-

ers for £9.99. Middle's previous subjects include the Smiths, Lisa Stansfield and Simply Red.

Middle knows his Manchester pop and sees Oasis as the logical conclusion to a musical family tree that stretches back through Happy Mondays, Stone Roses, the Smiths, New Order, Joy Division and the Buzzcocks. His interview with Clint Boon of the Inspiral Carpets, for whom Noel worked as a roadie, is revealing: Boon talks of Gallagher's talent for learning how the music industry works and how best to use it to your own ends.

Sadly, the illumination ends there — it seems that Middle was not given access to anyone within the Oasis camp, and he mainly had to rely on press cuttings and rumour. *Round Their Way* is a more detailed and comprehensive book on Oasis than the previous cut-and-paste jobs that have cluttered the bookshelves recently, but the bread-and-butter prose and lack of anything even vaguely exciting mark this as a purchase for the diehard fan who actively enjoys the oblique torture of dull writing.

Until last year, it was a fairly good bet that Ian Robertson was one of the people who denied Middle access to his heroes — Robertson tour-managed Oasis from August 1994 to September 1995 and was in charge of a fair part of Oasis's lives: bar bills, booking bedrooms and handing out backstage passes. Robertson's *What's the Story?* moves along at a cracking pace — his sub-Kerouac, alliterative style manages to convey something of the drug-wagon he and his charges rode across Japan, Europe and America, and you sense there was only a thin barricade of

libel laws between us, the public, and Robertson's willingness to spill each and every bean.

Although Robertson is airing enough dirty underwear to keep a laundromat busy for a year, it never seems like a gutter-based kiss-and-tell cash-in. He has a genuine eagerness to let us all imagine, for a while, that we are part of Oasis's inner sanctum. His description of the Gallagher brothers' relationship is enlightening — one section of dialogue recounts a late-night,

drunken conversation between Noel and Robertson: Robertson: "Noel, all he [Liam] wants is one person's approval — yours. Just one gesture from you to say, 'Liam, nobody could do what you do with my songs'. I don't mean in print, Noel, but to his face, to his heart. I'm pretty sure that'll sort out a lot of problems your brother is having."

Noel: "It's not going to happen. Never. I give him my songs to sing. How much more approval does he need beyond that? He gets to sing my songs: that's all I'll give him."

And indeed, the young Liam does seem to have a lot of problems. Robertson goes a long way to explaining just why Gallagher minor is the way he is — a burning bundle of rage who can snap into a monster fit at a second's notice. He comes across as an idiot savant, driven by emotions he was never given the words to explain or release, but blessed with a voice that sounds like a man who has just realised how large infinity really is. He appears to be the rock'n'roll version of Dustin Hoffman's character in *Rainman*.

And, for that illumination alone, *What's the Story?* deserves to stay on the bestselling list for a long time to come.

● *Round Their Way*, by Mick Middle, is published by Independent Press (£9.99)  
● *What's the Story?*, by Ian Robertson, is published by Blake (£6.99)



CAITLIN MORAN

## JAZZ ALBUMS

## Grand old lady

## THE MARIAN MCPARTLAND TRIO

*Live at Yoshi's Nitespot* (Concord CCD-4712) THIS delightfully relaxed yet highly accomplished set catches 76-year-old Marian McPartland doing what she does best: entertaining an attentive and appreciative audience in an informal setting.

Much of McPartland's material — if not her adventurous interpretations of it — is mainstream piano-trio fare (Ellington, standards and show tunes), but she has always kept abreast of musical developments, so compositions by Thelonius Monk, Charlie Parker, Clare Fischer and even Ornette Coleman are also prominent in her repertoire, and such is the skill, wit and versatility of the leader and her rhythm section — bassist Bill Douglass and drummer Glenn Davis — that the album is both diverse and coherent.

## JOSE NETO

*In Memory of Thunder* (B&W Music BW056) ON THIS, his second solo venture for B&W, the Brazilian guitarist José Neto and his regular quartet — keyboard player Frank Martin, bassist Gary Brown and drummer Celso Alberti — move easily between pounding, riff-based rock, airy Latin shuffles, slow-building jazz-rock anthems and multilayered acoustic meditations laced with subtle rhythmic effects ranging from African talking drums to the customary panoply of South American percussion.

Neto is most remarkable for his startling textural variety and close attention to details of timbre and tone, but his extended wah-wah solo on the album's stand-out track, *Silvia*, will delight all who still fret about finding a worthy successor to Neto's chief inspiration, Jimi Hendrix.

CHRIS PARKER

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# EDUCATION

## Students set to pay

Sir Ron Dearing is in Australia. Although he is many miles away from the university system he is charged with re-moulding, he may be very close to a future model of British higher education.

Sir Ron, who has already overseen reviews of both the national curriculum and qualifications, was appointed chairman of the Government's committee of inquiry into higher education in February. He says there are no sacred cows, although his terms of reference do not permit any thought of "downsizing" the expanded university sector.

The conundrum is whether further expansion, beyond the 30 per cent participation rate of 18-year-olds, is necessary, and how Britain pays for the amount of higher education it wants.

Sir Ron has already been struck by the huge financial investment of Japanese stu-

Sir Ron Dearing is looking at Japan and Australia in his higher education review, David Charter reports



Sir Ron has been struck by the huge investment of Japanese students in their education

Technical education is a major issue in Australia

dents in their higher education. If this, or the Antipodean example, is followed, students here will not only be paying more for their living costs but also contributing to the cost of their tuition.

Privately he has already disappointed vice-chancellors by telling them his timetable is too tight for an interim report. They had hoped Sir Ron's wise words would force politicians fighting the next general election to state where they stood on the fundamental funding and expansion issues.

Since the inquiry was announced, attitudes seem to be hardening all round on funding and on the issue of student contributions in particular. Sir Ron's peregrinations suggest that he may head in a similar direction.

The National Union of Students voted in March to abandon its call for grants to return to 1979 levels and to campaign instead for a fair loans system. The CBI has placed its policy of opposition to students paying any part of their course fees under review. And vice-chancellors themselves now say tuition fees are inevitable.

Diana Warwick, the chief executive of the Committee of Vice-Chancellors and Principals, says: "Vice-chancellors see them as inevitable because without some income stream that comes directly to universities, it is going to be enormous-

ly difficult to ensure that the funding issue is addressed. If this does happen, every institution recognises that there will have to be a system of scholarships which ensures the worst-off students will not be disadvantaged."

Speaking just before heading Down Under, to investigate a system where students pay both their living costs and a contribution of roughly 20 per cent, on average £1,130 a year, to universities for the cost of their tuition, Sir Ron refused to be drawn on any conclusions which might emerge when he presents his findings next summer.

Besides Australia, Sir Ron has so far visited Japan. He

was struck by the diversity of provision, the huge participation rate and the sizeable financial commitment of students and their families.

There are two main brands of higher education in Japan," Sir Ron says. "There is the four-year university degree and a two-year college leading to an associate degree. Participation of the two together is 43 per cent and 95 per cent continue in education until the age of 18. Of the four million students, three million are in the private sector."

Alongside the higher education options, almost one in five

Japanese 18-year-olds goes to colleges for technical training. Students often take an extra year after leaving school to prepare and compete in entry examinations for a place at one of the top universities. They are expected to pay a great deal more towards their education. Private universities charge average tuition fees of about £4,400 a year.

There is a loan scheme to help with maintenance, but fewer than one in ten students joins. This intrigues Sir Ron, even though he is conscious of cultural reasons for differences in a country where 400 universities are private and just 150 public.

The national scheme for

maintenance is not very extensively used. They are able to apply for a loan bearing no interest while studying, but interest of 3 per cent a year is charged after the borrower has graduated," he says. "Families there accept that it is a very significant cost."

He is also struck by the demand for technical training. "I was interested in finding out the scale of participation and the diversity of the provision. We fall down in this country at technician level," he says.

"There is a much greater commitment at the age of 18 in the breadth of education, as there is throughout the world. The four-year university course is thought of as two and two, with the first two years quite broad and the final two more specialised."

Technical education is also a major issue in Australia. Sir Ron says: "In Japan there is a very big sector providing a two-year post-18 course in

Japanese students pay fees of £4,400 a year

technical education. In Australia they have got participation to 30 per cent and the issue there is not so much about expanding higher education but increasing technical and further education."

Vocational training could well figure strongly in Sir Ron's final report, given his commitment to providing higher education opportunities for all sections of society. He says: "I would be very surprised if the committee did not want to encourage diversity in education. That must be one of the strengths of the system. It is no good having a diverse population and giving them the same university experience."

The timing of his visit to Australia could also be crucial. He arrives as the Government is preparing a Budget which is likely to look to higher education for savings, which would only hit students harder.

Sir Ron says education is still important for education's sake but he also looks East for inspiration cited by Lord Robbins in the last major inquiry into higher education in 1963. "Confucius said it was not easy to find a man who had studied for three years without aiming at pay," says Sir Ron.

It seems students will need to be ever more mindful of these words of wisdom if the experience of Australia and Japan are anything to go by.

## The patients who can't stop learning

Treatment at Great Ormond Street Hospital includes school lessons — and the pupils are keen to attend

In 1953 a lone teacher, aided by only a basket of books, started a school for the patients of the Great Ormond Street Hospital for Children in central London. Today, the Children's Hospital School, Great Ormond Street, is housed in a wonderfully well-equipped area, however cramped in size, and has a team of 19 teachers.

The task of the school is daunting. It works as an integral part of the hospital's caring regime and the teachers are multidisciplinary. Mentally and physically ill children of all abilities, all nationalities and all ages from five to 19 are taught, and brothers and sisters of long-stay patients who would like to be near them are invited to attend as well.

The school is not the only hospital school in Britain but because Great Ormond Street Hospital is a tertiary referral centre it receives children from all over the country and, indeed, all parts of the world.

More than half of the children benefiting from the school at any one time are very sick and unable to come down to the classroom on the ground floor. However, no child is considered too ill to be taught, however gently, and even those in intensive care receive attention.

Teaching is based on the national curriculum, but there is great flexibility in adapting it: the number of children being taught, where they are

taught and what they are able to manage, changes each day. In addition to normal schooling, there is a computer workshop (essential for children who for different reasons are unable to write), art, science and technology and music workshops — but space is at a premium.

Yvonne Hill, who has been at the school for 11 years, says that where possible the school liaises with the child's permanent school on the work he or she should be doing.

The majority of children need individual attention because of their different learning abilities and powers of concentration, but, says Ms Hill, the school does not favour special needs teachers over teachers with really good mainstream experience. "You would be surprised at how popular the idea of being a teacher here is. People do not realise what demanding and challenging work it is. Some of them mistakenly see it as a bolt-hole from the harshness of the teaching world — which it most definitely is not."

Some of the foreign children cannot speak English. Between them the teachers can speak French, German, Punjabi, Urdu and Italian, and there is an Arabic translator.

"The children are eager to get down to the classroom, rather than be taught on the ward. It gives them a sense of normality," Ms Hill says. "We set out to bring the world to them. Even the very sick can be motivated." Parents are encouraged to sit in and

nurses will often stay with patients.

I went with the music teacher, a special-needs teacher, as she did her rounds of the wards. One of her pupils was a child with cerebral palsy. He lay on a mattress on the floor beside his cot bed, unable to control his limb movements, but his spasms decreased when she started to play her guitar and a big smile spread across his face. "I try to find the sounds that stimulate his mind," she said. I then stood at the door of the intensive care unit watching a teacher with a child on a ventilator.

Last year the school switched to grant-maintained status. "It was the best thing for us," Ms Hill says. After the demise of the Inner London Education Authority, the school became the responsibility of Camden. Dire cuts followed, as they did for other schools under the council's wing. The number of teachers was cut to 12. Lady Rhys Williams, then chairman of governors, went directly to the Government to ensure that impending grant-maintained legislation would include hospital schools.

"Now we have more money, but more work and responsibility," Ms Hill says. One of their ideas for the future is to provide teaching during half-terms and holidays because the school is seen as such a morale builder and support for the children.

SUSAN MACDONALD  
SANDRA LOUSADA



The Children's Hospital School, Great Ormond Street, has students from all over the world

Industry backs an ambitious plan for Britain's first school centre for teaching the language of millions

## Bahasa in Buckinghamshire

Britain's first school centre for the teaching of Bahasa is to be created using more than £200,000 raised by a Buckinghamshire boys' grammar school.

As there is no GCSE or A level in the subject, the Royal Grammar School in High Wycombe has teamed up with a university to have a course written.

Bahasa, the official language of Malaysia, Indonesia, Singapore, Brunei and parts of Thailand, is spoken by 250 million people.

David Levin, head teacher of the grant-maintained school, believes the region will be a significant growth area in the future and has lined up an impressive list of commercial sponsors who agree, "I am hoping the defining characteristic or development of my headship will be internationalising the curriculum," says Mr Levin, a South African appointed four years ago.

"I want the boys thinking internationally, and to that end I want them using the Internet and developing links with schools abroad. Britain has long cultural and historical links with South-East Asia, which is the fastest growing economic region in the world."

His vision is shared by heavyweight commercial backers. HSBC Holdings, owners of the Midland Bank, has put up £50,000. Research Machines £22,000. Vickers £15,000. Rolls-Royce £15,000 and British Aerospace £10,000. Securing this money enabled the school to bid successfully to become a

specialised language college, qualifying for the maximum matching funds available from the Government of £100,000.

Mr Levin says it took less than a month to secure the firms' backing, such was their enthusiasm for the project. The money will be used to build a multimedia centre to enable all his students to see how pupils in other countries tackle mathematics, geography, history and science.

"By using the Internet we will have joint information exchanges so that we can work on projects together with schools abroad," he says.

Under Buckinghamshire County Council's uniquely preserved grammar and sec-

ondary modern school system, local boys compete for entry to the school when they are 12 and the brightest 25 per cent qualify for a place. The language college plans will not affect this.

Bahasa will be offered to sixth-formers alongside their A and AS levels, starting with the first 16 volunteers in September. There were 67 applications.

Experts from the School of Oriental and African Studies, part of the University of London, are devising the 36-week programme and will teach the boys. Language will make up two thirds of the course, with cultural studies the remaining third. Students

will be able to opt for a university certificate at the end of their first sixth-form year or continue to take the International Baccalaureate module in South-East Asian studies the following year.

John Bond, group chief executive of HSBC, says: "We perceive there is a lack of knowledge about Asia in Britain and want to use our educational donation budget to support a reversal of this. The Royal Grammar School has put together an imaginative proposal."

Sir Colin Chandler, the chief executive of Vickers, says: "The world is becoming a global village and, although English is becoming the universal language, you do detect

a growth in linguistic nationalism, where people have to speak English but rather resent it. They like it if there is an attempt to speak their own language. Bahasa is the language of Malaysia and Indonesia, which is a massive market, and one does feel keen that the UK gets up to speed."

Mr Levin flies out to Malaysia next Friday to meet education ministers with a view to setting up work-experience exchanges for his pupils and staff, whether or not they have mastered Bahasa. "We have got to teach our boys not just how to solve quadratic equations but also to have an international mind-set," he says. "We are also keen to remain a community grammar school and show that all students can take up the international baton."

DAVID CHARTER

## No pupil should have to attend a failing school

Robin Squire explains how education associations work

In his article "Hands off our school", August 2, Mohammed Mehmet, chairman of governors at The Langham School, Haringey, questioned the role of education associations (EAs) in tackling ineffective schools.

Raising standards in all our schools is central to this Government's reforms in education. It lies behind our introduction of the national curriculum, with testing and assessment, publication of results and regular inspection of schools. We have also given schools much greater powers to run their own affairs.

Independent inspection has revealed many excellent schools. But it also reveals that about 2 per cent are failing their pupils. Hence the "special measures" we introduced in 1993. I believe that the power available to the Secretary of State to

transfer schools to an EA is a key part of the success of this regime. Already ten failing schools have been restored to full health.

I agree with Mr Mehmet that a powerful stimulus in the many success stories has been the threat of intervention by the Secretary of State. It can indeed bring about the local partnership necessary to follow "a determined programme of change and improvement".

Where this partnership is not producing results, the Secretary of State can transfer a school to an EA. The North East London Education Association, appointed to take over Hackney Downs School last year, included an academic expert in school failure, an ex-council chief education officer, a former indepen-

dent school head and an expert on education finance.

An EA would therefore have the expertise to diagnose the reason why the previous partnership had failed to produce the rapid improvement required. Once a school run by an EA had succeeded in turning itself around, it would become grant-maintained. We believe the dramatic turnaround at such a school would inspire more parents to send their children there and join the governing body. In some cases, however, an EA might conclude that a school had declined too far to allow recovery and that it was in the pupils' interest to close it.

What concerned Mrs Shephard earlier this year was the lack of improvement at Langham School.

A monitoring visit by Ofsted inspectors revealing little progress between November 1995 and March 1996 led Gillian Shephard to consult on a proposal to transfer the school to an EA.

In the past few months there have been encouraging signs of improvement at the school. The Secretary of State therefore decided to leave it under its existing management for the time being.

Given this background, I find puzzling three arguments rehearsed by Mr Mehmet. The first is that we behaved during the consultation period as if the result was a foregone conclusion. Exactly the opposite is true. We felt that it would have been more appropriate to postpone crucial appointments

until the school's future had been decided, one way or the other.

Mr Mehmet argued, secondly, that the consultation on a proposal to transfer the school to an EA was an error. But the evidence provided by the March 1996 Ofsted monitoring visit was deeply disturbing.

Thirdly, Mr Mehmet suggested that this school was chosen by the Government because it was already improving and thus an easy option. But no EA handed the task on the basis of the March 1996 monitoring report could possibly have believed that the task would be easy.

The message is that the Government will appoint an EA to take over a school and turn it around, whenever the circumstances demand it.

● The author is Under-Secretary of State for the Department for Education and Employment.

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TRIATHLON: ELEVATION TO OLYMPIC STATUS RAISES BRITISH HOPES OF AN EARLY MEDAL AT 2000 GAMES

## Smith aims for golden start in Sydney

By DAVID POWELL  
ATHLETICS CORRESPONDENT

IF ONLY triathlon had been granted Olympic status four years sooner. Had it not been made to wait until Sydney 2000 for its entrance, there is little doubt that Great Britain would have had a second victory to celebrate along with the rowing success of Steven Redgrave and Matthew Pinsent. Probably another silver medal as well.

As Britain reflects on its 36th place in the Atlanta medals table, it is better to look forward than back. The next summer Olympic gold medal to be awarded will go to Britain if present status in triathlon is maintained.

Triathlon is scheduled as the first event in Sydney and, in Simon Lessing and Spencer Smith, Britain has the two best competitors in the world, both young enough to be contenders four years hence. "It is just lucky we have hit on two people together, like Coc and Overt," Smith said.

In more ways than one, their rivalry is of mutual respect as sportsmen, but each with little fondness for the other. "As a person I do not have much time for him," Smith said of Lessing. "But he is a very talented athlete and hard to beat."

The Government, as it considers the criticism levelled at it for failing to invest in British sport and what steps it might take, should note the concerns of Smith and Elaine Shaw, chief executive of the British Triathlon Association. Although Britain possesses Stuart Hayes, 16, the bronze medal-winner from the world youth championships, Smith said: "We have the two best in the world, but if you look behind us there is not too much."

Shaw said: "For the last four years, Britain has brought home the gold medal from the world triathlon championships, not from one champion but two. The Government must not let the situation arise whereby we have led the world for all this time and suddenly, because we have become an Olympic sport, other governments invest in triathlon but ours does not."



Smith, who has established himself as one of the world's best triathletes, defends his lead in the grand-prix series at Longleat on Sunday

"Is Stuart our man for Sydney? He could be but he finds funding difficult. He has supportive parents but he has a sister and brother who are also international triathletes."

Money is no longer a problem for Smith. The sport is now on its way to producing its first millionaire. This season, the lucrative \$1 million (about £660,000) International Triathlon Grand Prix has begun, offering \$100,000 in prize-money at each race.

Because the sport involves three disciplines — swimming, cycling and running — Smith and Lessing can earn from endorsing a wide range of products. There is appearance money too, probably more than \$100,000 for the grand-

prix series for the leading athletes.

Smith thinks nothing of spending £400 on a belt, £600 on a shirt, £1,000 on a jacket. He drives a Mercedes convertible, has his own apartment in San Diego and bought his mother a car. He is thinking of buying a second home, in the Twickenham area, where he is based this summer. He is training over his old courses — Chobham, Windlesham, Box Hill — where he drove himself to become junior world champion. He moved to San Diego three years ago to get away from training in the British winter.

He wears two earrings and has a ponytail, but the playboy image disguises a dedication to training that is absolute. "People think we have not got a proper job, but they should come and do my schedule for a week," Smith said. "I swim six times a week for 1½ hours each time, I bike an average 2½ to 3½ hours a day and run for five to seven hours a week."

The evidence will be there at Longleat on Sunday, when Smith defends his lead in the grand prix. Smith won, and Lessing was second, in the opening event, in Koblitz three weeks ago, and this is the second race. It will be the only contest between Smith and Lessing in Britain this year.

Smith is in outstanding form. He is planning this

season not only to excel in the grand prix but to win the long-course world championship next month, having won the standard-distance title twice.

Then on to the Ironman, the race in Hawaii that put the sport on the map. An eight-hour test of endurance. "Next year I'm going to do the Ironman for the first time," Smith said. "I'm obsessed with that race."

Mark Allen, the San Diego lifeguard who won four consecutive Ironmans, from 1989 to 1992, was the young Smith's hero. "The Ironman was the race that captured my imagination," he said. Come the year 2000 it may be Smith and the Olympics that captures ours.

## TENNIS

## Kafelnikov gains his revenge on Henman

By OUR SPORTS STAFF

TIM HENMAN was unable to repeat his impressive form of Wimbledon, where he beat Yevgeny Kafelnikov, the French Open champion, at the ATP Championship in Mason, Ohio, yesterday. This time it was the Russian who won, 6-4, 6-4, to go through to the third round.

Henman, the British No. 1, achieved a surprising victory over Kafelnikov in the first round at Wimbledon and lifted the spirits of the nation by reaching the quarter-finals. Kafelnikov, the No. 3 seed in Ohio, proved a much sterner opponent, however, and did not allow Henman to take charge of the match.

Andre Agassi, the Olympic gold medal-winner and defending champion, was less than impressive during his second-round victory over Magnus Larsson, of Sweden, 6-3, 2-6, 6-4. Agassi's next opponent was expected to be MaliVai Washington, the Wimbledon finalist, but a back strain forced him to withdraw from his match with his compatriot, Alex O'Brien.

Richard Krajicek, of Holland, the Wimbledon champion, earned a hard-fought 7-6, 7-5 win against Vince Spadea, of the United States. Krajicek, the No. 7 seed, will now play the No. 10 seed, Thomas Enqvist, of Sweden.

The overwhelming heat caused problems for most of the players but some coped better than others. Thomas Muster, of Austria, the No. 2 seed, quickly disposed of Wojtek Kowalski, of Poland, ranked No. 217 in the world, 6-1, 6-1. Muster certainly acclimatised better than Stefan Edberg, who led in the third set to lose 3-6, 6-4, 7-5 to Cristiano Carati, of Italy, ranked No. 141 in the world.

"I think the heat beat me," Edberg said. "I just don't know how I lost from being up 4-0 in the third set." Carati will now play Michael Chang, the No. 3 seed.

## RUGBY UNION

## England's proposal fails to win approval

By DAVID HANDS  
RUGBY CORRESPONDENT

THE battle of wills between England and their three home-union colleagues has reached its most delicate stage. Yesterday it was confirmed that the latest compromise on a new television agreement by the Rugby Football Union (RFU) was insufficient, but there is a limit to how far it can retreat.

"The proposal made by England was not in keeping with the suggestions made by the four countries [France, Ireland, Scotland and Wales] have also been privy to the debate at the Cardiff meeting last month," Tom Kiernan, chairman of the five nations committee, said. "We have therefore responded to John Richardson, the RFU president, indicating precisely where improvements have to be made."

"While our position with regard to England's re-entry into the tournament has not changed, we are still hoping an agreement can be reached prior to us making the necessary commercial and administrative arrangements for the new competition later this month."

However, Kiernan's statement has created a problem for the RFU, which had not received the latest communiqué yesterday. Therefore Richardson and his negotiating team do not yet know the specific areas of disagreement outlined by the other unions.

For the five nations championship to remain, England must agree to a joint negotiation of the new broadcasting contract. If, however, they seek to withdraw from their agreement with BSkyB, the satellite television company part-owned by News International, owner of *The Times*, they will almost certainly find a smaller sum on the table and thus a smaller sum available to their leading clubs. Some clubs are bound to threaten a breakaway if their share of the television deal is revised downwards.

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Further particulars, including details of emoluments and terms of appointment, application forms, and copies of a memorandum for referees may be obtained from the Warden's Secretary, All Souls College, Oxford OX1 4AL. Applications, on the application form, should reach the Warden not later than Friday 20th September 1996 (the envelope containing the application to be marked "Senior Research Fellowship"). Applicants are asked to ensure that references, from not more than three referees, also reach the Warden by Friday, 20th September 1996.

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## EQUESTRIANISM

# Offer to lead Britain's team tempts Phillips

BY JENNY MACARTHUR

MARK PHILLIPS, who masterminded the United States' silver-medal success in the Olympic three-day event in Atlanta, confirmed yesterday that he has been approached by the British selection committee on the possibility of managing the Great Britain team.

Phillips was at Burghley, in Lincolnshire, yesterday, unveiling his course for the Burghley Pedigree Chum horse trials next month. "I have been asked how I would feel about taking on the British team and I am seriously considering it," he said. "Britain is my home and obviously I would like to work in my own country and with my own team — but Britain has a lot of hard thinking to do about conditions and the exact role which I would fulfil before a formal offer is made. The last thing I want to do is to impose myself on a set of riders who don't want me. That would be a recipe for disaster."

The offer was confirmed yesterday by Michael Tucker, a member of the British selection committee, and comes after Britain's disappointing showing in Atlanta, where, for the second successive Games, the team started as one of the favourites and returned empty-handed. "We are aware that the Americans are likely to try to renew their contract with Captain Phillips," Tucker said. "That is why we made our offer." No further steps will be taken until Bridget Parker, the chairman of the selectors, has had a formal meeting with Phillips.

Phillips, a member of Britain's Olympic gold medal-winning team in 1972, trained the Spain team from 1988-92 and took on the United States team after the Barcelona Games, where, after years of disappointments, they only managed to finish tenth. The United States' transforma-

tion in Atlanta was attributed largely to Phillips. "He's worked wonders — we certainly don't want to lose him," David O'Connor, one of the team's silver medal-winners in Atlanta, said.

With a formal renewal of contract expected from the United States within the next month, Phillips looks likely to have both countries "bidding" for him. Money, though, may not be the deciding factor. While admitting that he "can't afford to work for nothing", Phillips said that he is "tired of flying across the Atlantic. I have made 18 flights already this year. A home job would be attractive," he said.

One job he already has safely under his belt over here is course designer for the Burghley horse trials. His course is designed to encourage the "fast, bold cross-country riding" that was so lacking in Britain's Olympic effort.

It is a 33-fence course where the "problem" obstacles begin as early as fence three, the Leaf Pit, involving a huge leap of faith by horse and rider over a log perched on a hill into what looks like infinity. "Anyone who thinks this is not going to be a proper Burghley after the Olympic Games will have those fears allayed when they get here," Phillips said.

The trials, which carry a first prize of £15,000, have attracted many of the sport's top names, including William Fox-Pitt, on Lochalan, and Karen Dixon with her 1992 Olympic horse, Get Smart. The United States are represented by three of their silver medal-winners, Bruce Davidson, Karen and David O'Connor. When asked if he would be walking the course with the United States riders and offering advice, Phillips said: "Yes, but not exclusively. Any rider who wants to join me in a course walk can do so."

## Peters tunes up with first victory

Edward Gorman  
sees Ancasta skipper  
lead from start in  
battle of the Melges

RUSSELL PETERS, the Ultra 30 skipper who will shortly defend his title in that class against Lawrie Smith, yesterday won his first race in the hotly-contested Glenfiddich Melges 24 fleet at Skandia Life Cowes Week.

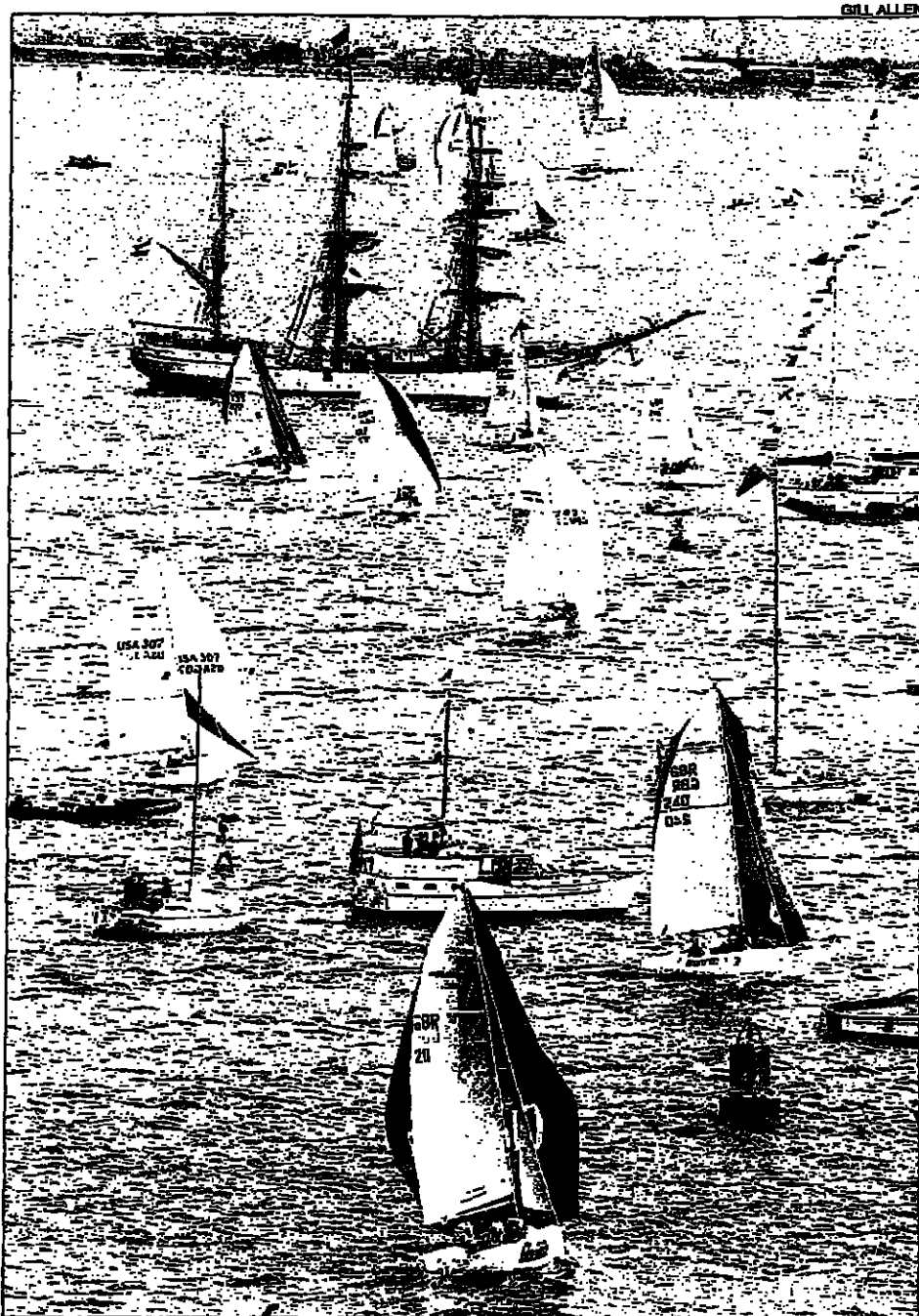
Racing in a light and streaky sea breeze on a windward-leeward course which turned into two reaches, Peters, on *Ancasta*, led from start to finish with Ian Pinnell, on *Pink Lips*, chasing all the time. The contest for third was between Mike Lennon, on *Raw Tide*, and Giorgio Zucchi, the top Italian skipper, on *Ale All Relier*.

The Italian had the advantage until the penultimate mark when a fluffed spinnaker drop let Lennon, the class national champion, slip through to secure another valuable finish in the top three. Peters was happy with his first win. "I was pleased with our performance in the breezy tight reaches," he said. "Racing after that was professional, so we were able to keep our lead to the finish."

David Bedford, on *Glenfiddich 1*, the overall leader until yesterday, put in his first poor result of the week, finishing in fifteenth. But he is still in the race for the title which, with two races to come, now looks to be between him with 9.00 points after one discard, and Lennon, in the lead with 7.25. There is then a gap to Peters on 24.5 points and Zucchi on 26.00.

The Melges fleet at Cowes is attracting interest from leading names in the returning Great Britain Olympic yachting team. Yesterday Ben Ainslie, 19, silver medal-winner in the Laser class, crewed for Paul Brotherton, the former Olympic 470 sailor, on *Wolf Cub*. Today John Merricks, the 470 helmsman who also won silver in Savannah together with his crew, Ian Walker, is expected to deputise for Peters on *Ancasta*. Andy Beadsworth who just missed a bronze in the Solings at the Games, may also sail in the class today with Pinnell on *Pink Lips*.

In the Solent Sunbeam dayboat class, the imposter in the fleet, *Polly*, skippered by



Melges and Etchells, with spinnakers out, sail past Europa on the Solent yesterday

Jonathan Money, of Falmouth, is continuing to give the local boats a hard time. The elegant 26ft Sunbeams, designed by Alfred Westmacott, have raced at Cowes every year since 1923. The 42 boats in class are split between Falmouth and its sister, in Chichester Harbour, and *Polly* is the first to take the Solent fleet for more than 20 years.

Money, who helmed the 45-footer, *Juno*, in the victorious British Admirals Cup team of 1989, is having a good regatta. He started with a win in his

first race on Sunday, was disqualified on Monday but then came back on Wednesday with a second place. Yesterday, he secured his second win, ahead of Mike Williamson on *Santa Baby* and Richard Dale on *Fleur* and is in a strong position. In the New York Yacht Club Challenge Cup sailed together by the four maxis and by Class 1, Glyn Williams's *BH-41*, *Wolf*, had another valuable win, ahead of *Longobardi*. Mike Slade's maxi, with Johnnie Caulcutt's *Multiplex* — normally known as

*Maxima*, finishing in third.

### TONY CASTRO LIMITED

A REPORT (August 6) on Charlie Mills's new yacht, *Shoot the Bar*, designed by Tony Castro, of Hamble, referred to a problem on her maiden voyage with the oversized rudder. We are happy to make it clear that although the rudder was fitted on the instructions of Mr Mills, it was neither designed nor approved by Mr Castro for use on the yacht. We apologise for any embarrassment caused to Mr Castro by this mistake.

## BOXING

## Eubank's return has royal assent

By SRIKUMAR SEN  
BOXING CORRESPONDENT

AFTER promising ten months ago never to return to the sport he loved to hate, Chris Eubank reverted to type yesterday and announced his comeback. This time he will not be just boxer-manager, but his own promoter as well. His return will be for a limited period, possibly 18 months, after which he thinks he will be the world's first billion-dollar sportsman.

Although he is believed to be receiving £1 million for the first official boxing match to be held in Egypt, in the 32,000-capacity Cairo indoor arena on October 12, Eubank said the decision had not been influenced by the need to make money, but rather to accede to the request of Middle Eastern royalty.

He will box in the Middle East for all but one of his bouts, which will be staged at EuroDisneyland, near Paris, which is part-owned by a Saudi Arabian prince. His opponent in the "The Style on the Nile" will be one Dario Mattoni, of Argentina, who will be 36 at the end of this month, has only two defeats out of 35 contests and holds his country's light-heavyweight title.

Eubank, who was 30 yesterday, looked a trim 12st 6lb at a press conference at the London offices of Al-Ahram, a Cairo newspaper that is backing him. He admitted that, while he still disliked boxing, he had missed "the buzz". "It's great to be back," he said. "I have not seen anyone like myself as far as style is concerned and there's a need for characters. I think I have a little entertaining to do in the next year and a half. I'll fight at light-heavy and super-middle."

"Three months after I retired I got an invitation from the royal court of Jordan and I was asked to show my ring prowess, my boxing skills, my grace in the ring. I went to Jordan at the invitation of King Hussein. I have no money problems. But when you're asked by royalty and governments of the Middle East to come back you can't refuse."

"I intend to be the first sportsman to acquire a billion dollars. Not direct from boxing, but in and around it, from businesses. I am a promoter. I have been taught very well by Barry Hearn, who has given me his blessing. The seven fights that I contested before I retired took their toll. The rest has given me time to recharge. This time I will not fight every six weeks, but possibly every four months."

## IN BRIEF

## Wigan set sights on regaining top spot

WIGAN have the opportunity to regain from St Helens the leadership of the Stones Super League when they play Leeds — whom they have beaten on 17 of the past 18 visits — at home tonight (Christopher Irvine writes). If they do so, though, it is likely to last for only 24 hours.

St Helens, with a game in hand, play away to Paris Saint-Germain tomorrow and conclude the season at home to Sheffield Eagles and Warrington. Leeds have avoided relegation and Dean Bell, the coach, has ruled out a playing return to his former club. He has Graham Holroyd and Dean Clark, the half backs, and David Hulme, at loose forward, fit again.

### Hamed at double

Boxing: Naseem Hamed and Steve Collins have been lined up for a double world championship bill in Britain on October 12. Hamed, the World Boxing Organisation featherweight champion, will have a unification contest against Tom Johnson, of the United States, holder of the International Boxing Federation title, if both come through defences in Dublin on August 31. There, Hamed faces Manuel Medina, of Mexico, and Johnson takes on Ramon Guzman, of Venezuela. Collins's opponent is yet to be named.

Keith Knox, 29, of Scotland, will challenge Jesper Jensen, of Denmark, for his European flyweight title in Copenhagen on September 13.

### Slough out

Hockey: Slough, former national champions and the last English club to win the European Cup, have resigned from the National League, which starts on September 29, because they have insufficient players to run a first XI.

### Syed leads way

Table tennis: Matthew Syed, of Reading, still leads the England men's rankings despite failing to qualify for the Atlanta Olympics. Carl Preen, of the Isle of Wight, winner of the Brazilian Open in Rio last month, moves up to the No 3 spot in place of Chen Xinhua, who has returned to China.

### Eagles swoop

Basketball: Newcastle Eagles have appointed the American, Tom Hancock, 52, as head coach. His last coaching post in Britain saw him guide the unfancied Oldham Bears to a surprise play-off berth in the 1992-93 season.

## AN EXCLUSIVE TIMES COMPETITION

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First prize is a pair of Virgin Atlantic Upper Class tickets, two nights at Sabi Sabi Private Game Reserve, one night at Lesedi cultural village, and four nights at the Karos Indaba hotel, Johannesburg. All meals (except at the Karos Indaba), safaris and transfers are included.

As passengers of Virgin's Upper Class, the first-prize winners will get a chauffeur-driven car to whisk them from home to Heathrow to enjoy all the

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### HOW TO ENTER

Tick the appropriate answer to the question, below, complete the tie-breaker and send the entry form with a further three tokens attached to: The Times/Virgin Jo'burg Competition, Ashentree Court, London EC8R 8NG. The closing date is August 22, 1996. Full terms and conditions appeared in Saturday's and Monday's editions of The Times.

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## BOWLS

## England trio move nearer to final place

By GORDON ALLAN

ENGLAND took a long stride towards the final of the triples when Wendy Line, Jean Baker and Mary Price defeated Janette de Beer, Barbara Redshaw and Hester Bekker, of South Africa, 24-17 in the women's world championships at Leamington Spa yesterday.

The win put England two points clear of the South Africans at the top of their qualifying section, with two matches remaining. The stands were full for the first time this week and spectators saw a count of six shots on the third end inspire England, who dominated play from then on, with everyone contributing.

Their last round-robin match today is against Scotland, who beat Fiji 30-10 to retain third place in the table. Wales and New Zealand are joint leaders in the other section.

In the pairs, Phillis Nolan and Margaret Johnston, of Ireland, the defending champions, beat their closest rivals, Lorna Trigwell and Jo Peacock, of South Africa, 25-11 to take over the leadership of

their section with three matches left. Nolan and Johnston weathered some anxious moments before pulling away from Trigwell and Peacock with 11 shots in seven ends in mid-match.

In the morning the South African pair lost their unbeaten record to Papua New Guinea, the only team, as it happens, to have defeated Ireland.

Trigwell and Peacock never led but did score five shots on the eighteenth end to tie the match 15-15. The Papua New Guinea pair of Lady Karina Okuk and Linda Ahmat held on to win 19-16.

The Irish pair, 7-1 down to Holland, raised their game in the second half, winning nine of the last 11 ends and the match 26-11. They were still 11-0 down after 14 ends but a burst of 17 shots over the last seven ends made the victory secure.

Jersey, Fiji and Scotland are the first three in the other section, where Gill Fitzgerald and Norma Shaw, of England, are out of the hunt in eighth position.

## WORD-WATCHING

Answers from page 34

### VILLAFRANCHIAN

(c) Of, pertaining to, or designating a stratigraphical stage in Europe variously assigned to the Upper Pliocene and the Lower Pleistocene. A toponym from Villafranca d'Adri in Northern Italy, in the vicinity of which exposures of this series occur. "Villafranchian is the terrestrial equivalent (in France and Italy) of the marine Calabrian. Before 1948, it was used for the latest division of the Pliocene."

### TRISTIMULUS

(b) Each of three reference colours (as red, green and blue) which can be combined additively in specified proportions (tristimulus values) to produce any given colour. "The tristimulus values of the recommended standard source for wave-length 4,800 angstroms are given by the ordinates at that wave-length of the three curves."

### WANGA

(a) Witchcraft, sorcery, a charm or spell, a magical object. An adaptation of the Hailu Creole *ouanga* witchcraft, perhaps from Kimbundu *wanga* witchcraft or Tshiuba *wanga* a charm or fetish. "Another sort held gunpowder and red pepper: these were wanga to be thrown into somebody's path to cause them to get into fights."

### ZUGTROMPETE

(c) A slide trumpet. From the German *zug* pulling, *trompete* a trumpet. "The slide trumpet, *Zugtrompete*, was used in Germany in the early 18th century, eg in Bach's cantatas."

### SOLUTION TO WINNING CHESS MOVE

1 Qxh7+! Kxh7 2 Rh3+ Kg6 3 Rgl mate.

## FORTHCOMING COMPANY GOLF DAYS

The companies listed have registered their entry for the 1996 Challenge. The top four individual scores on the day will earn the company team eligible to qualify for a regional final.

Date	Company name	Venue	Players
10 AUG	BRITISH AIRWAYS MAINTENANCE CARDIFF	BULTH WELLS	40
10 AUG	PROFESSIONAL SYSTEMS PERSONNEL LTD.	ELEWASH VALLEY	24
11 AUG	AMOCO (UK) EXPLORATION COMPANY	INVERURIE	38
11 AUG	THE LAMP COMPANY	CHESTERFIELD DOWNS	28
12 AUG	ARTHUR ANDERSEN	MOOR PARK	60
13 AUG	BOWRING MARSH AND MCLELLAN LTD.	SANDWAY	40
13 AUG	WATERLEY VINTERS LTD	MURRAYSHALL	72
14 AUG	BARCLAYCARD	STAVERTON PARK	30
14 AUG	KIDDE GRAVINER	BLECHINGLEY	18
14 AUG	SOMITROL	ROYAL WINCHESTER	20
15 AUG	K F J RESOURCING LTD	GRIFF	48
15 AUG	MARSH & MCLELLAN GLOBAL BROKING LTD	CHART HILLS	48
15 AUG	WIS U K	FOREST OF ARDEN	120
15 AUG	SANCTUARY HOUSING ASSOCIATION	CHESTERFIELD DOWNS	28
15 AUG	SKIPTON BUILDING SOCIETY	SKIPTON	80
16 AUG	ABLE INSTRUMENTS & CONTROLS LTD	LETHAM GRANGE	38
16 AUG	BAYER PLC	GORING & STREATLEY	50
16 AUG	BUSINESS SYSTEMS GROUP LTD	CHART HILLS	38
16 AUG	GUARDIAN INSURANCE PLC	WILPSHIRE	40
16 AUG	MICHERBERT MARINE CONSTRUCTION LTD	GALLATER	48
16 AUG	STEWART & STEVENSON (UK) LTD	LETHAM GRANGE	30
16 AUG	THE LITTLEWOODS ORGANISATION PLC	ROYAL BRIDGDALE	50
16 AUG	VIDEOTRON CORPORATION	ROYAL MID SURREY	40
17 AUG	HIGBLAST-ENERGY SERVICES LTD	GRANTOWN	38

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# Animal crackers, that's what this country is

I hope I am not alone in this, but every so often I am struck by a Grand Historical Perspective. Quietly watching the television with a cup of tea, for example, I might shudder a little ("What's this?") and then a Grand Historical Perspective hits me like a bus ("Not") and tears off through the party wall. It's a startling thing, obviously. It happened while I was watching *The Witches of Eastwick* on Tuesday — I heard the cumulative voice of mankind scream: "Your female stars are too thin! Look at those twiggy legs! Those legs will snap!" Which is absolutely true, when you look at them. People in the next millennium will not fall in love with Michelle Pfeiffer and Susan Sarandon; when they peruse *The Witches of Eastwick* for historical purposes, their eyes will pop with alarm.

And then last night, while watching *Newsnight* people nursing baby fox cubs in *Back to the*

Wild (BBC1), the bus hit me again. How would historical mankind regard such a sloppy-sloppy activity? How would future mankind regard it? How would several billion Chinese people regard it? They would all shout: "You are nuts! Something has gone wrong with your brains!" Because at no other point in human history — and arguably in no other place in the world — would scientific expertise be used for patching up badgers and giving physiotherapy to owls. Being human has always meant bashing animals on the head and laughing. We are an aberration, by golly, but we just can't see it.

*Back to the Wild*, of course, has no such perspective. If a speech therapist is brought in to treat a stammering pigeon in future weeks, nobody will suggest it's odd. Fronted by no discernible logic by Ash from *Casualty*, *Back to the Wild* just knows what the audience wants: and it appeals so

perfectly to the modern, British, 8pm-on-a-Thursday sensibility that it left me virtually swooning with pleasure. Fox cubs suckle furiously with their eyes closed: a deer's head is delicately trotted through straw in a barn; and music tinkles over a worn-out old badger fared (regrettably) for the Great Seal in the Sky. There was no Rolf Harris last night, but you can't have everything. When I grow up I want to work for the RSPCA.

One day, of course, an invading power may strap us all onto operating tables, show us cut pictures of baby animals, and give us vomit-inducing drugs. And it will be so right. *Dark Secret* (BBC2) gave me the idea, if you're wondering. This new series began last night with the true story of gay men exposed to crude Pavlovian aversion therapy in the 1960s —

showed that muscle-bound bloke with the big gun. *Dark Secret* had done a good job uncovering this interesting historical episode. Survivors' recollections were interspersed with good original footage of Pavlov's dogs, and an earnest *Tonight* documentary from 1964. But it didn't tell the full story. Was this treatment part of an official policy? Was it experimental? Compensating for these unanswered questions, however, *Dark Secret* did recapture something of the early-1960s more. The presenter of *Tonight* stood in front of Eros in Piccadilly Circus and informed the nation of a staggering statistic: if all the secret homosexuals in Britain went on strike for a day, he said, the nation would grind to a halt. An interestingly unhelpful choice of image, this: painting gays as hidden subversives, awaiting their chance to beg economic collapse.

The man who died from aversion therapy was a gay soldier, of course, who received his fatal treatment in a military hospital. "Natural causes" it said on his death certificate — which shows how some things never change. Elsewhere on telly last night, in fact, we had another exposed military cover-up — Ian Potts' *Secret History: Mutiny in the RAF* (Channel 4) somehow stretched a full hour out of a minor episode in postwar India when servicemen rebelled and were court-martialled. It seems these men were cheered off about not being sent home; they were expected to maintain colonial rule, while servicing BOAC aircraft. When they objected that they had been conscripted to fight a war (now over) they were threatened with the firing squad.

But when the secrecy is laid open, what is the result? Last night's *Defence of the Realm* (BBC1) was dull, dull, dull, and I can't tell you exactly why because I kept banging my head on the fireplace as I fell off the sofa. Such unprecedented access to the military establishment promised well, but the first instalment of this "major" series, the only incident of note was Nicholas Soames forgetting his passport. Malcolm Rifkind was replaced by Michael Portillo as Secretary of State. In between meetings at the MoD, ministers sipped champagne and made wary small talk on lawns. Perhaps the problem was the editing. "Look, chiefs of staff deciding to bomb Bosnia, you don't see that every day!" I kept thinking, just before slipping into coma. Perhaps someone subjected me to Pavlovian conditioning, and I never knew. Perhaps that explains, too, why the mere sight of Nicholas Soames always makes me laugh out loud, like a hyena.

## REVIEW



Lynne Truss

aversion therapy so crude, in fact, that one man actually died of it. In those funny old days, they thought that if you showed beefcake pictures accompanied by an electric shock, the combination would somehow make gay men forsake their sexuality. And last after Brigitte Bardot. Whereas in fact, it probably just conditioned them to run screaming out of cinemas whenever the Rank Organisation

## CHOICE

**War Walks: Mons**  
BBC2, 8.00pm (not Scotland)  
As Richard Holmes's series on British battle-reaches the First World War it is able to draw on two resources not available for his recreations of Agincourt and Waterloo. One is film and the other the first-hand accounts of survivors. But the most little use of either. He prefers to go straight to the battlefield itself and to rely on diaries and letters written close to the event. And who can say that it is not an effective formula? Holmes is a skilled raconteur as well as a military historian and he never loses sight of the human dimension. The battle of Mons, August 23, 1914, was the first British engagement of the war. Holmes evokes the holiday atmosphere in which the British troops went into battle, their heroic stand despite being greatly outnumbered and the tragically high casualty list, a taste of even worse things to come.

**Filthy Rich: Monster! Monster!**  
Channel 4, 8.00pm  
If Eric Hall turned up as a character in *EastEnders* he would be laughed off screen as an absurd exaggeration. Which only goes to prove that life is larger than fiction. Hall, certainly, is. Fans have voted him the fourth most hated man in football. He is agent to 26 top players and makes most of his money from transfer deals. It is alleged that he encourages footballers to change clubs, just to make him feel even richer. If only it were true, he retorts. Lawrie McMenemy of Southampton calls Hall as likeable as a rascal. He is also a bit of a comedian, playing to the camera as the archetypal East End hustler, complete with huge cigar and adoring Jewish mother. His favourite expression is "monster". His favourite subject is "cash", as in "£12,000-bid and he loves to plonk kisses on famous cheeks, such as Des Lynam's."

**Safe and Sound: Near Mrs BBC1, 8.30pm**  
No drama set in contemporary Belfast can hope to avoid reference to the sectarian divide and, sure enough, Timothy Prager's comedy series features uneasy relationships between Catholics and Protestants. Thankfully, however, Prager is more concerned with human foibles and failings than banging religious drums. His guiding theme is marriage. Des McAleer and Sean McGinley, two fine and familiar Irish actors, play middle-aged friends in a state of marital disarray, with McGinley having unrequited designs on McAleer's sister (Michelle Fairley). Meanwhile, a young couple planning to get wed are given discouraging advice by the elders. This is a likeable and easygoing show which achieves its humour through the interplay of character and without having to shout.

**A Very Important Penny**  
BBC2, 10.00pm  
Dennis Pennis is the jolly fellow with the soft red hair and Woody Allen voice who confronts celebrities at film premieres and the like and asks them insulting questions. In essence, though not in style, Pennis is a male version of Mrs Merton who also hides behind a fictional persona to say the otherwise unsayable. But while Mrs M uses a chat show format Pennis is a one-liner man and half an hour of one-liners can begin to pall. Having said that, Pennis (for his writers) does come up with some prize specimens. "How come you're not funny any more?", he demands of Steve Martin, which is certainly rude but only reflects a common belief that Martin's films are not what they used to be. And telling Joan Collins that she looks like a million fire is not quite the compliment it sounds when you look at the exchange rate.

**6.00am GMTV** (420712)  
**9.25am Halfway across the Galaxy and Turn Left** (1) (Teletext) (s) (7721063)  
**9.50am Hope and Gloria** (5157064)  
**10.20am News** (Teletext) (5473422)  
**10.25am Regional News** (Teletext) (5472793)  
**10.30am People Like Us** (40813064)  
**12.20pm Regional News** (Teletext) (1850996)  
**12.30am News** (Teletext) and weather (6858915)  
**12.55am Sixth Sense** (Teletext) (s) (6833606)  
**1.25am Late Evening** (Teletext) (s) (6830066)  
**2.00am Home and Away** (Teletext) (s) (87594170)  
**2.25am Murder, She Wrote** (s) (7614086)  
**3.20am News** (Teletext) (1940460)  
**3.25am Regional News** (Teletext) (1849731)  
**3.30am Rosie and Jim** (6817147)  
**3.40am Jonathan and Theresa** (9217903)  
**3.55am Zzzap!** (7065441)  
**4.15am Cartoon Time** (5780488)  
**4.25am The Sylvester and Tweety Mysteries** (8418444)  
**4.45am Art Attack** (1497267)  
**5.10am A Country Practice** (s) (5894731)  
**5.40am News** (Teletext) and weather (936159)  
**6.00am Home and Away** (1) (Teletext) (s) (476793)  
**6.25am HTV News** (Teletext) (506068)  
**6.50am Let's Go** (973441)  
**7.00am Lucky Numbers**. Hosted by Shane Richie (Teletext) (s) (5557)  
**7.30am Coronation Street**. Mike Baldwin tells Ida Clough some home truths; the hunt for Nick switches to Leeds (Teletext) (444)



Jeff Stewart as PC Hollis (8.00pm)

**8.00am The Bill**. Hollis (Jeff Stewart) learns the hard way when somebody gives him ideas above his station (9515)  
**8.30am Is It Legal?** Comedy set in a shambolic solicitor's office (1) (Teletext) (s) (8422)  
**9.00am Savannah**. Tom and Peyton have a narrow escape when Reese turns up at the riverbank and almost catches them together (Teletext) (s) (4793)  
**10.00am News** (Teletext) and weather (43915)  
**10.30am HTV West News** (782847)  
**10.40am FILM: Sword of the Valiant** (1983) starring Miles O'Keefe, Sean Connery and Trevor Howard. Fantasy set at the court of King Arthur. Directed Stephen Weeks (8263441)  
**12.40am Stand Up** (8118300)  
**1.10am The Good Sex Guide... Late** (s) (7619132)  
**2.15am FILM: In the Belly of the Whale** (1994) starring Janna Marangopol, Elio Gulp and Silke Reize. German film about a policeman estranged from his wife, who has custody of their teenage daughter, finding himself facing a murder charge. Directed by Doris Dörrie (774010)  
**4.05am Not Fade Away** (1) (s) (4578890)  
**5.00am Best of British Motor Sport** (1) (46294)  
**5.30am Morning News** (37403)

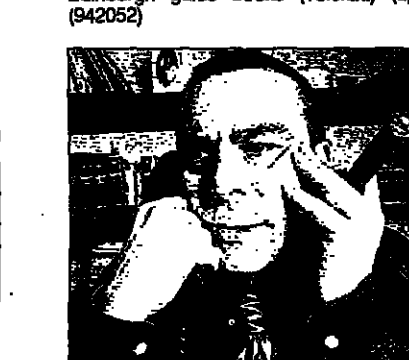
**As HTV WEST except:**  
**5.10pm Let's Go** (3796002)  
**6.25-7.00am Wales Tonight** (634606)  
**WESTCOUNTRY**  
**As HTV WEST except:**  
**10.30am Murder, She Wrote** (5368460)  
**11.25am Side Effects** (9523915)  
**12.55pm Coronation Street** (6833606)  
**1.25-1.55am Cross Wits** (8344422)  
**1.55am Home and Away** (5817625)  
**2.15am High Road** (87504557)  
**2.55-3.20am Gardeners' Diary** (1910847)  
**3.10am Home and Away** (5894731)  
**6.00-7.00am Westcountry Live** (55248)  
**10.45am Film: Smoke and the Bandit** (1) (23417354)

**CENTRAL**  
**As HTV West except:**  
**10.30am Murder, She Wrote** (5368460)  
**11.25am Side Effects** (9523915)  
**12.55pm Home and Away** (5817625)  
**1.25am Cross Wits** (8344422)  
**1.55am A Country Practice** (58174064)  
**2.20-3.20am Blue Heelers** (600185)  
**1.40am Shortland Street** (5894731)  
**6.25-7.00am Central News** (534606)  
**10.40am Film: Dead in the Water** (45039793)  
**12.15am Sledge Hammer** (18747010)  
**12.40am Comedy Central** (4451652)  
**1.40am The Good Sex Guide** (8667958)  
**2.40am cyber.cafe** (1340213)  
**3.10am Dear Nick** (8077923)

**As HTV West except:**  
**9.50-10.20am Sandokan** (5157084)  
**10.30am Wozzeck** (28606)  
**11.00am Dogtanian** (5402286)  
**11.25am Beakman's World** (5405373)  
**11.55am Dungeons and Dragons** (7997970)  
**12.55pm Coronation Street** (6833606)  
**1.25am Home and Away** (8344422)  
**1.55-2.20am Shortland Street** (58174064)  
**2.20am Murder, She Wrote** (6464557)  
**3.10am Home and Away** (5894731)  
**6.00-7.00am Meridian Tonight** (55248)  
**10.45am The Magic and Mystery Show** (553118)  
**11.15am Behind the Ball** (643731)  
**11.45am Hunter** (863248)

**As HTV West except:**  
**9.50-10.20am Sandokan** (5157084)  
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**3.10am Home and Away** (5894731)  
**6.00-7.00am Meridian Tonight** (55248)  
**10.45am The Magic and Mystery Show** (553118)  
**11.15am Behind the Ball** (643731)  
**11.45am Hunter** (863248)

**6.35am The Wonderful Wizard of Oz** (2834422)  
**7.00am The Big Breakfast** (1) (73731)  
**9.00am California Dreams** (1) (7740118)  
**9.25am The Secret World of Alex Mack** (Teletext) (1) (7710977)  
**9.55am Hangin' with Mr. Cooper** (1) (Teletext) (s) (6942170)  
**10.20am Pink Panther** (1) (s) (2723355)  
**1.05am The Adventures of Tintin** (1) (5725885)  
**1.10am Blister Mice** from Mars (1) (7841514)  
**11.35am Insektors** (1) (7926241)  
**11.50am Rocker's Modern Life** (1) (8939555)  
**12.05pm Mork and Mindy** (1) (4040953)  
**12.30am Lonely Planet: Israel and the Sinai** (1) (Teletext) (s) (78159)  
**1.00am Sesame Street** (1) (s) (66354)  
**2.00am FILM: Possessed** (1947 b/w). Powerful drama starring Joan Crawford in one of her most complex, intelligent performances. Directed by Curtis Bernhardt (Teletext) (1606)  
**4.00am Backdate** (Teletext) (s) (793)  
**4.30am Countdown** (Teletext) (s) (977)  
**5.00am Absolutely Animals** (1) (Teletext) (s) (1373)  
**5.30am Cranshaw's Sketching and Drawing Course** (1) (Teletext) (s) (557)  
**6.00am Hangin' with Mr. Cooper** (Teletext) (s) (6942170)  
**6.25am Roseanne** (1) (Teletext) (s) (588248)  
**6.50am Terrynorms**. Classic cartoons (971083)  
**7.00am Channel 4 News** (Teletext) (792488)  
**7.55am Book Choice**. Harry Ritchie reviews Edinburgh guide books (Teletext) (s) (942052)



The monstrous Eric Hall (8.00pm)

**8.00am FILM: Filthy Rich. Monster! Monster!** (Teletext) (s) (7557)  
**8.30am Brookside**. (Teletext) (s) (8064)  
**9.00am Cybill: An Officer and a Thespian**. (Teletext) (s) (2731)  
**9.30am Friends: The One With the List**. To help resolve a romantic dilemma, Ross draws up a list of Rachel's negative qualities. (Teletext) (s) (83357)  
**10.00am Frasier: Sleeping with the Enemy**. Frasier marches into Kate's office, demanding a pay rise, but gets diverted. (Teletext) (s) (41557)  
**10.30am Whose Line is it Anyway?** Comic improvisation series. (Teletext) (s) (836267)  
**11.05am Takeaway TV** (1) (58489)  
**11.35am The White Room**. Live music series. Among those appearing are East 17, Ruby Turner, Courtney Pine and Tom Jones with Wilson Pickett (s) (34266)  
**12.40am FILM: Head** (1988). Starring the Monkees. A surreal tale of four "loveable mopeds" catapulted to stardom. Directed by Bob Rafelson (s) (167497)  
**2.15am FILM: Blood Beast Terror** (1967). Fairly gruesome, gothic horror starring Peter Cushing and directed by Vernon Sewell (7507851). Ends at 3.35am

**6.00am Business Breakfast** (26422)  
**7.00am BBC Breakfast News** (Ceefax) (57793)  
**9.00am Breakfast News Extra** (Ceefax) (2101625)  
**9.20am Delta Smith's Summer Collection** (1) (Ceefax) (1) (7739936)  
**9.50am Gourmet Ireland** (1) (5162996)  
**10.20am Whitecoat** (7342248)  
**10.50am News** (Ceefax) Regional News and weather (549170)  
**10.55am Cricket — Second Test: England v Pakistan**. Live coverage of the second day's play from Headingley (5362809)  
**12.00am News** (Ceefax) Regional News and weather (1854712)  
**12.05pm The Alphabet Game** (1) (4024915)  
**12.35am Neighbours** (Ceefax) (s) (6862118)  
**1.00am News** (Ceefax) and weather (50880)  
**1.30am Regional News** (Ceefax) (4513606)  
**1.35am Cricket — Second Test: England v Pakistan**. Live coverage of this afternoon's play (7321149)  
**5.35am Neighbours** (1) (Ceefax) (s) (487248)  
**6.00am News** (Ceefax) and weather (450)  
**6.30am Regional News** (Ceefax) (4513606)  
**7.00am Top of the Pops** (Ceefax) (s) (5199)  
**7.30am Future Fantastic**. Featuring the notions of a man who wants to build an invincible suit and a scientist whose work on antigravity in the 1950s is of interest to the US Airforce (995)  
**8.00am Keeping Up Appearances**. Hyacinth volunteers to help with a senior citizen's day trip to the coast (1) (4847)  
**8.30am Safe and Sound**. New comedy series about two men who find the road to true love paved with obstacles (3354)  
**9.00am News** (Ceefax) Regional News and weather (5793)  
**9.30am One Foot in the Grave**. Replaced at work by a box, Victor Meldrew embarks on his hilarious, outrageous, but in fact, increasingly difficult to adapt to the directionless new existence (1) (Ceefax) (s) (65625)  
**N.I.L.: 9.30am** Anderson on the Road 10.20am One Foot in the Grave 10.50am Dublin Horse Show 11.30am Chicago Hope 12.15am Parkinson. The interviews 12.55am FILM: The Pink Panther Strikes Again 2.35am Weather  
**10.00am Chicago Hope**. Konk amputates a man's leg using a chain saw (Ceefax) (s) (882193)  
**10.45am Parkinson**. A classic interview with the comic genius (825064)  
**11.25am FILM: The Pink Panther Strikes Again** (1976) with Peter Sellers. Inspector Clouseau's misadventures continue with the fourth of the *Pink Panther* series. This time, Clouseau is in the chief's seat, having driven his boss up the wall and into a lunatic asylum. Directed by Blake Edwards (844002)  
**1.05am FILM: Until September** (1984) with Karen Allen and Christopher Cazenove. A touching drama about an American tourist who finds love when she becomes stranded in Paris. Directed by Richard Marquand (704478)  
**2.40am Weather** (5396478)

**VideoPlus+ and the Video PlusCodes**  
The numbers next to each TV programme listing are VideoPlus+ numbers, which allow you to programme your video recorder instantly with a VideoPlus+ handset. Tap in the VideoPlus+ number to programme your wish to record. VideoPlus+ (V), PlusCode (P) and Video Programmer are trademarks of Gemstar Development Ltd.  
**7.00am Sunrise** (2143064) 9.30am Century News (1) (2143064) 10.00am Game Show (1) (2143064) 10.30am CBS News: The Morning (21118) 10.50am CBS News: The Morning (21118) 11.00am CBS News: The Morning (21118) 11.30am CBS News: The Morning (21118) 11.50am CBS News: The Morning (21118) 12.00am CBS News: The Morning (21118) 12.30am CBS News: The Morning (21118) 1.00am CBS News: The Morning (21118) 1.30am CBS News: The Morning (21118) 1.50am CBS News: The Morning (21118) 2.00am CBS News: The Morning (21118) 2.30am CBS News: The Morning (21118) 3.00am CBS News: The Morning (21118) 3.30am CBS News: The Morning (21118) 4.00am CBS News: The Morning (21118) 4.30am CBS News: The Morning (21118) 5.00am CBS News: The Morning (21118) 5.30am CBS News: The Morning (21118) 6.00am CBS News: The Morning (21118) 6.30am CBS News: The Morning (21118) 7.00am CBS News: The Morning (21118) 7.30am CBS News: The Morning (21118) 8.00am CBS News: The Morning (21118) 8.30am CBS News: The Morning (21118) 9.00am CBS 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